



WEB COPY

W.P. No.30064 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.30064 of 2023

M.Subramani

... Petitioner

Vs.

- 1.The District Collector
O/o The District Collectorate
Salem District
2. The Revenue Divisional Officer
Officer of the Revenue Divisional Office
Matur, Salem District
3. The Revenue Tahsildar
O/o the Revenue Tahsildar
Omalur Taluk,
Salem District
4. The Inspector of Police
D-5, Karuppur Police Station
Salem District

5. T.C.Perumal

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Mandamus directing the 3rd respondent to measure the lands and fix four boundaries and marks in the Survey Number of the petitioner's properties in Survey No.20/1A2A, Patta No.33 an extent of 0.20.00 area



assessment Rs.0.78 equivalent 0.49 1/2 cents situated in Thekkampatty Village, Vattakkadu Post, Omalur Taluk, Salem District, and consequently direct the 4th respondent to give police protection at the time of measuring the petitioner's land.

For Petitioner : Mr.M.Vijayaragavan

For Respondents : Mr.R.P.Murugan Raja
Government Advocate for R1 to R3

Mr.S.Sugendran
Additional Public Prosecutor for R4

ORDER

This Writ Petition is filed seeking a writ of mandamus directing the 3rd respondent to measure the lands and fix four boundaries and marks in the petitioner's property in Survey No.20/1A2A, Patta No.33 an extent of 0.20.00, area assessment Rs.0.78 equivalent 0.49 1/2 cents situated in Thekkampatty Village, Vattakkadu Post, Omalur Taluk, Salem District, and consequently direct the 4th respondent to give police protection at the time of measuring the petitioner's land.



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2. The contention of the petitioner is that earlier the petitioner had given an application to the 3rd respondent and paid through e-service for measuring his property in order to restrain the 5th respondent who is the adjacent land owner from encroaching his property. When a Surveyor had come to measure his property, the 5th respondent acted unlawfully and deliberately prevented him from measuring them. Hence, the petitioner made a police complaint before the 4th respondent. But he was only given CSR No.843 of 2022 and there was no response from the 4th respondent. Since the son of the 5th respondent is a police man, they casually trespassed and caused disturbance to petitioner's peaceful possession and enjoyment of the property. Hence, the petitioner again sent a representation to the respondents 1 to 4 through RPAD on 22.09.2023 and paid Rs.1200/- for measuring his land. Even after receipt of the same, the respondents have not acted to resolve the petitioner's land problem. Hence, the present writ petition is filed.

3. Since there is no role for the police department in this writ petition, this writ petition is dismissed as against the 4th respondent/police.



4. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 and 3 and perused the records.

5. In the light of the limited scope of prayer sought for in this writ petition and the submissions of the learned counsel on either side, this Court without going into the merits of the case, directs the 3rd respondent to consider the petitioner's representation dated 22.09.2023 if it is otherwise in order and measure his property as per seniority and pass appropriate orders on merits and in accordance with law, after giving notice to all the adjacent land owners and interested parties/rival claims if any, as expeditiously as possible provided within a period of three months from the date of receipt of copy of this order.

6. It is made clear that if any disturbance is caused by the 5th respondent or any other persons at the time of measuring the property, it is for the 3rd respondent to seek police protection in order to complete the work mentioned in this case.



7. With the above directions, this writ petition is disposed of at the admission stage itself. However, there shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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