



W.P.No.30428 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.30428 of 2023

Chinnaponni
W/o.Gopalan

... Petitioner

versus

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Superintendent of Police
Dharmapuri
Dharmapuri District.
3. The Tahsildar
Pennagaram Taluk
Dharmapuri District.
4. The Inspector of Police
Eriyur Police Station
Dharmapuri District.
5. Pownammal
W/o.Goundappan

Pg.Nos.1/6



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6. Chandira

D/o.Goundappan

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the 4th respondent to provide police protection with the supervision of 2nd respondent for conducting survey by 3rd respondent in respect of the land comprised in Survey Nos.328/4, 330/3 and 328/5 to an extent of 1.60 acres situated at Santana Kodikaal, Ramakondahalli Village & Post, Pennagaram Taluk, Dharmapuri District and to demarcate boundaries with boundary stone based on the online application of the petitioner dated 28.06.2023 within a stipulated time.

For Petitioner	:	Mr.C.Prabakaran
For Respondents	:	Mr.S.Sugendran Additional Government Pleader for R2 and R4 Mr.Yogesh Kannadasan Special Government Pleader for R1 and R3

ORDER

Mr.S.Sugendran, learned Additional Government Pleader accepts notice for respondents 2 and 4. Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for respondents 1 and 3. By consent of both parties, the main writ petition is taken up for final disposal at the

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admission stage itself.

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2. This writ petition has been filed seeking for a mandamus to direct the 4th respondent to provide police protection to 3rd respondent for conducting survey in respect of the land comprised in Survey Nos.328/4, 330/3 and 328/5 to an extent of 1.60 acres situated at Santana Kodikaal, Ramakondahalli Village & Post, Pennagaram Taluk, Dharmapuri District and to demarcate boundaries with boundary stone based on online application of the petitioner dated 28.06.2023.

3. The main grievance of the writ petitioner is that, even though the petitioner has filed an application dated 28.06.2023 to the third respondent to measure his land, the same has not been done so far. Learned counsel for petitioner submits that third respondent has already tried to measure the land twice but private respondents 5 and 6 have restrained him and hence, the writ petitioner filed a complaint dated 31.07.2023 before fourth respondent seeking police protection.

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4. It is settled proposition that, if any party approached the Government officials for any work such as surveying the land, issuance of patta etc., it is for the concerned official to comply with the same in the manner known to law, provided if the application filed by the party is otherwise in order. If officials are facing any difficulty in completing their official duty, it is for them to work out their remedy. Even in this case, the third respondent has not expressed any difficulty for measuring the land. Therefore, the petitioner is not entitled to get the relief of police protection to the third respondent for conducting survey in respect of the subject matter land since it is for the third respondent to look out the matter. Therefore, this Writ Petition is dismissed as against the fourth respondent.

5. Since the petitioner filed an application before third respondent on 28.06.2023 to demarcate the boundaries, the third respondent is directed to consider the said application dated 28.06.2023, after affording an opportunity to rival claimants / interested parties, if any and dispose of the same on merits and in accordance with law within a period of three months

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from the date of receipt of a copy of the order.

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6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

30.10.2023

Speaking/Non-speaking order

Index:Yes/No

Neutral Citation : Yes/No

mk

To

1. The District Collector
Dharmapuri District
Dharmapuri.
2. The Superintendent of Police
Dharmapuri
Dharmapuri District.
3. The Tahsildar
Pennagaram Taluk
Dharmapuri District.
4. The Inspector of Police
Eriyur Police Station
Dharmapuri District.

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P.VELMURUGAN, J.

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