



W.P.No.31784 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.31784 of 2023

and

W.M.P.No.31408 of 2023

V.Priya

... Petitioner

Vs.

1. The Tahsildar,
Harur Taluk,
Dharmapuri District.

2. The Surveyor,
Maveripatti Village,
Harur Taluk,
Dharmapuri District.

3. The Superintendent of Police,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Na.Ka.2642/2023/S1, dated 07.09.2023 passed by the first respondent and quash the same.



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For Petitioner : Mr.Sivakumar Rajappan
For R1 & R2 : Mr.Yogesh Kannadasan
Special Government Pleader
For R3 : Mr.S.Sugendran
Additional Public Prosecutor

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ORDER

This Writ Petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.2642/2023/S1, dated 07.09.2023 passed by the first respondent and to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Additional Public Prosecutor appearing for the third respondent and perused the materials available on record.



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3. It is the contention of the learned counsel for the petitioner that the petitioner has filed a civil suit in O.S.No.492 of 2023 on the file of the Subordinate Court, Harur, seeking declaration of title to the suit schedule property. Further, the contention of the petitioner is that the first respondent had passed the impugned order to measure her land, based on the representation of one Sridhar, who is shown as the defendant in the abovesaid suit. The petitioner has not impleaded the person who had applied for surveying her land before the respondents 1 and 2. Further, the petitioner has filed the copy of the requisition letter, in which, one Perumal made a requisition to the Inspector of Police, Harur, seeking Police protection, in order to enable the official respondents to conduct a peaceful survey. Though the petitioner has impleaded the Superintendent of Police, Dharmapuri District as a party-respondent herein, she has not impleaded the Inspector of Police, Harur as a party to this writ petition. If the petitioner has got any right, title or interest over the property in question, she has to work out her remedy before the Civil Court in the manner known to law. The work that has



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been carried out by the first respondent will not bind the petitioner. She is not entitled to deprive the first respondent to conduct the survey. The petitioner has not come to this Court with clean hands. The petitioner is trying to get the order behind the back of the interested parties.

4. In view of the above reasonings, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to work out her remedy in the manner known to law. The first respondent need not wait for the order passed by this Court in this writ petition to carry on the survey work.

07.11.2023

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

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P.VELMURUGAN, J.

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