



W.P.No.33425 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **29.11.2023**

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.33425 of 2023

C. Muniyappan

... Petitioner

Versus

- 1.The District Collector,
Dharmapuri District.
2. The District Revenue Officer,
Dharmapuri District.
3. The Assistant Director of Survey and Land Records,
Dharmapuri District.
4. The Tahsildar,
Palacode Taluk,
Dharmapuri District.
5. The Village Administrative Officer,
Gangapalayam Village,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to dispose of the Petitioner's online Application No. 20230720017607 dated 20.07.2023, to survey and mark the boundaries for



W.P.No.33425 of 2023

the Petitioner's lands in Survey No. 278/4 situated at Gangapalayam Villge, Panjapalli (PO), Palacode (Tk), Dharmapuri District, within a stipulated time as fixed by this Court.

For Petitioners : Mr. E. Udayasankari
For Respondents : Mrs. Senthil Selvi,
Government Advocate.

ORDER

This Writ Petition has been filed to consider the petitioner's Online Application No.20230720017607 dated 20.07.2023, to survey and mark the boundaries for the Petitioner's lands in Survey No. 278/4 situated at Gangapalayam Villge, Panjapalli (PO), Palacode (Tk), Dharmapuri District, within a stipulated time as fixed by this Court.

2. The gist of the case is that on 04.08.2009, the petitioner's father was in possession and enjoyment of the lands in Survey No. 278/4 situated at Gangapalayam Villge, Panjapalli (PO), Palacode (Tk), Dharmapuri District, and the respondent concerned has also issued Patta bearing No.1294 in his name. Due to some financial crisis in the family of the petitioner's brother, he executed a Sale Deed in favour of the petitioner



W.P.No.33425 of 2023

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for a sale consideration of Rs.2,75,000/- and the same was registered Vide Doc.No.2745/2021, dated 04.10.2021 in the Sub-Registrar Office, Rayakottai. Since there were no boundary stones, the adjacent land owners are trespassing into the petitioner's property with an intention to grab the land. Therefore, the petitioner approached the respondents to survey the land for marking the boundaries through proper channel and remitted the charges for the said purpose. Since, there was no response from the respondents, the petitioner made an Online Application dated 27.06.2023, only forwarding the application, no action has been taken so far. Thereafter, the petitioner sent a representation dated 20.07.2023 for the said relief. Since no action has been taken on the petitioner's representation, the petitioner filed the present Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

4. Since this writ petition is filed for issuance of a simple writ of mandamus seeking a direction to the respondents to consider the representation of the petitioner, dated 20.07.2023, the learned counsel for



W.P.No.33425 of 2023

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the petitioner submitted that it is sufficient to issue direction to the respondents to dispose of the petitioner's representation, within a stipulated time as may be fixed by this Court.

5. The learned Government Advocate who takes notice on behalf of the respondents submitted that a direction may be issued to the respondents to consider the petitioner's representation dated 20.07.2023.

6. Considering the submissions made on either side, and taking into consideration that the limited prayer is sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the respondents to issue proper notice to the petitioner as well as the adjacent land owners of the four boundaries of the petitioner's property and also to the interested parties/rival claimants if any, and conduct an enquiry in a manner known to law and consider the said representation of the petitioner and pass appropriate orders on merits and in accordance with the law, within a period of two weeks from the date of receipt of a copy of this order.



W.P.No.33425 of 2023

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7. With the above directions, the Writ Petition is disposed of. No costs.

29.11.2023

Index : Yes/No
Speaking / Non-Speaking order
Neutral Citation : Yes/No

To:

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W.P.No.33425 of 2023

P. VELMURUGAN, J.

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W.P.No.33425 of 2023

29.11.2023