



W.P(MD)No.21422 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.21422 of 2015
and
M.P.(MD)No.1 of 2015

C.Kumaravel Gounder

... Petitioner

Vs.

- 1.The District Collector,
O/o. the District Collector,
Dindigul, Dindigul District.
- 2.The Revenue Divisional Officer,
O/o. the Revenue Divisional Officer,
Ottanchatiram Taluk,
Dindigul District.
- 3.The Tahsildar,
Ottanchatiram Taluk,
Dindigul District.
- 4.The Taluk Surveyor,
Ottanchathiram Taluk Office,
Coolectorate Building,
Ottanchatiram Taluk,
Dindigul District.



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5.The Inspector of Police,
Kallimandayam Police Station,
Dindigul District.

6.C.Muthusamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondent No.4 to survey the land of the petitioner at in Survey No.703 and 704 Situated at Karuman Kinaru, Koothampoondi Village, Otanchathiram Taluk, Dindigul District with adequate police protection within the stipulated time prescribed by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader for R1 to R5.
Mr.M.P.Senthil for R6.

ORDER

Heard both sides.

2.The petitioner seeks survey and measurement of the petition mentioned lands.

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3.The petitioner and the sixth respondents are pangalies. The petitioner had earlier filed O.S.No.257 of 2008 on the file of the District Munsif Court, Otanchathiram seeking declaration and permanent injunction. The suit schedule pertains to S.Nos.703 and 704. The decree dated 25.08.2014 was passed in favour of the writ petitioner in respect of S.No.703. Therefore, no exception can be taken to the petitioner's request for surveying and measuring in respect of S.No.703, Karuman Kinaru, Koothampoondi Village. However, as regards S.No.704, though the petitioner asserted that he is exclusively enjoying 2.5 Acres on the northern side, the trial Court did not accept the same. Unless the petitioner obtains a positive decree in his favour, no relief can be granted in respect of S.No.704. The petitioner is given liberty to workout his rights in the manner known to law.

4.The petitioner is permitted to submit a fresh application for conducting survey, measurement and demarcation of S.No.703 (2.27.0 hector) in Karuman Kinaru, Koothampoondi Village, Otanchathiram Taluk. On receipt of the such an application, the Tahsildar,



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Otanchathiram shall cause survey, measurement, demarcation and fixing of the four boundaries of the land covered by the petitioner's aforesaid application (In respect of S.No.703). The survey shall be conducted in the presence of the contesting respondent. The contesting respondent however shall not adopt any dragging on tactics by avoiding his presence. The surveyor therefore shall give notice to the contesting respondent herein intimating the date of survey. It is for the sixth respondent to be present. The entire exercise shall be completed within a period of eight weeks from the date of receipt of application from the petitioner.

5.This writ petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

11.08.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 18.08.2023



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G.R.SWAMINATHAN, J.

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