



W.P.No.246 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.246 of 2024

Leelavathi

... Petitioner

Vs.

1. The District Collector,
Namakkal District,
Thirunchengode Road,
Namakkal.
2. The Special Tahsildar (Land Acquisition),
Salem-Karur Broad-Guage Railway Line Project,
Namakkal Taluk and District.
3. The Deputy Chief Engineer (Construction),
Southern Railway,
Salem – 636 005.
4. The Tahsildar,
Mohanur Taluk,
Namakkal District.
5. The Assistant Director of Survey and Land Records,
Office of the District Land Survey,
Namakkal.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the Respondents 4 and 5 herein to survey and fix the boundaries of the petitioner's land situated in Rasipalayam Village, Mohanur Taluk, Namakkal District comprised in S.No 123 / 1A1B measuring 0.17.00 hectare and in S. No 123 / 1A2 measuring 0.13.50 Hectares as per Patta No 732 by considering the online E-Challan dated 05.09.2023 and the petitioners representation dated 22.09.2023.

For Petitioner : Mr.S.Senthil

For R1, R2, R4 &R5: Mr.R.Vigneshwaran

For R3 : Mr.K.Subbu Ranga Bharathi
CGC

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus to direct the Respondents 4 and 5 herein to survey and fix the boundaries of the petitioner's land situated in Rasipalayam Village, Mohanur Taluk, Namakkal District comprised in S.No 123 / 1A1B measuring 0.17.00 hectare and in S. No 123 / 1A2 measuring 0.13.50 Hectares as per Patta No 732 by considering the online E-Challan dated 05.09.2023 and the petitioner's representation dated 22.09.2023.

2. Heard the learned counsel for the petitioner and the learned



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Government Advocate appearing for the respondents.

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3. It is submitted by the learned counsel for the petitioner that the second respondent acquired the petitioner's land for the purpose of laying Salem-Karur railway line. After the abovesaid acquisition, remaining land owned by the petitioner was subdivided and patta was also issued in favour of the petitioner by the fourth respondent herein. The third respondent trying to encroach the petitioner's land and disturbing her possession. Hence, the petitioner made an online application dated 05.09.2023 before the fifth respondent, to survey her property. Since no action was taken by the fifth respondent, the petitioner made representation dated 22.09.2023 to the respondents to survey the land and fix the boundaries of the property owned by the petitioner. Since there was no action taken by the respondents 4 and 5 on the petitioner's representation, she filed the present writ petition.

4. Having regard to the submissions made by the learned counsel



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on either side and taking into consideration the limited prayer sought for by the petitioner, without expressing any opinion with regard to the merits of the case, this Court directs the respondents to consider the petitioner's representation dated 22.09.2023 after issuing notice and giving opportunity of hearing to the petitioner, interested parties/rival claimants/adjacent land owners of the four boundaries of the subject land/objectors if any, as the case may be and conduct enquiry and pass appropriate orders on merits and in accordance with law. The said exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. With the abovesaid direction, The Writ Petition is disposed of.

There shall be no order as to costs.

09.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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