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W.P.No.316 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.316 of 2024

B.Alamelu

... Petitioner

Versus

1.The Tahsildar,
Chengam Taluk,
Tiruvannamalai District.

2.The Head Surveyor,
Chengam Taluk,
Tiruvannamalai District.

3.The Inspector of Police,
Chengam Police Station,
Tiruvannamalai District.

4.Boobalan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the 1st and 2nd respondents to dispose the petitioner's application dated 04.08.2023 for conducting survey and demarcation of the boundaries in Plot No.17 Survey Number 57/2 of an total extent of 1306 Sq.ft. situated at Pinjur Village, Chengam Taluk, Tiruvannamalai District within a stipulated time as fixed by this Court on merits and with adequate police protection.



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For Petitioner : Mr. Krishnasamy Chinnasamy
For Respondents : Mrs. V. Yamunadevi (for R1 and R2)
Special Government Pleader
: Mr. S. Sugendran (for R3)
Additional Public Prosecutor

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the first and second respondents to dispose of the petitioner's application dated 04.08.2023 for conducting survey and demarcation of the boundaries in Plot No.17 Survey Number 57/2 of a total extent of 1306 Sq.ft., situated at Pinjur Village, Chengam Taluk, Tiruvannamalai District within a stipulated time as fixed by this Court on merits and with adequate police protection.

2. The petitioner was issued an assignment Patta by the Special Tahsildar, Adi Dravidar Welfare Department, on 16.02.1993. Having constructed a house on the same property, the petitioner has peacefully possessed and enjoyed it. However, complications arose when the fourth respondent disputed the boundaries. To address this issue, the petitioner



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applied to the first respondent and paid the necessary fees (Challan No. 20230804019012, dated 04.08.2023) for survey and sub-division of the property. Despite the petitioner's efforts, the said application dated 04.08.2023 submitted by her, is pending with the first respondent. Hence, the present writ petition is filed for the above said relief.

3. Mrs.V.Yamunadevi, learned Special Government Pleader who takes notice for the respondents Nos.1 to 2, submitted that a direction may be issued to the respondents to consider the petitioner's application dated 04.08.2023.

4. Heard the learned counsel for the petitioner, learned Special Government Pleader who takes notice for the respondents Nos.1 & 2, and the learned Government Advocate appearing for the third respondent and perused the materials available on record. Since no adverse order is to be passed against the 4th respondent, notice to the 4th respondent is dispensed with.



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5. The Writ Petition is dismissed against the third respondent since the third respondent has nothing to do with the said survey and it is for the Revenue Officials/other respondents to take care of it.

6. Though this Court time and again is insisting on the decision rendered by this Court, in ***D.Tulasi Vs. The District Revenue Officer, Dharmapuri and etc.***, in W.P.Nos.262 of 2018, batch, etc., dated 09.06.2023, and a Circular No.R1/2005632 /2022 dated 17.07.2023 issued by the Commissioner of Land Administration, to dispose of the application /revision/appeals/representation/petition, within the time, the respondents /Revenue authorities neither followed the directions of this Court, nor followed the Circular issued by the Commissioner of Land Administration.

7. Since the writ petition is filed only for issuance of a simple writ of mandamus to consider the petitioner's application dated 04.08.2023, this Court, without expressing any opinion with regard to the merits of the case, directs the second respondent to issue notice to the petitioner and the interested parties/rival claimants/objectors, if any, as the



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case may be and conduct an enquiry in a manner known to law and dispose of the petitioner's application dated 04.08.2023 on merits and in accordance with law. The said exercise shall be completed, within the time as stipulated in the said circular, from the date of receipt of a copy of this order.

8. With the above directions, this Writ Petition is disposed of insofar as the respondents 1, 2 and 4 are concerned. As stated above, the Writ Petition is dismissed as against the 3rd respondent. There shall be no order as to costs.

09.01.2024

Index : yes/no
Speaking order : yes/no
Neutral Case Citation : yes/no

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P. VELMURUGAN, J.

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