



W.P. No.5574 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5574 of 2024

Mangalamma

... Petitioner

Vs.

1.The District Collector,
Erode District, Tamil Nadu.

2.The Revenue Divisional Officer,
Gobichettipalayam,
Erode District, Tamil Nadu.

3.The Revenue Tahsildar,
Thalavadi,
Erode District, Tamil Nadu.

4.The District Surveyor,
Erode District, Tamil Nadu.

5.Mahadevasamy

6.Kalappa

7.Thundappa

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to survey the petitioner's land in the survey No.347/2A, Dinganarai Village, Thalavadi Taluk, Gopichettypalayam, Erode District, based on the representation of the Petitioners dated 06.10.2023.

For Petitioner : Mr. G. Mani Prabhu
For Respondents : Mr. T. Arun Kumar,
Special Government Pleader. (for R1 to R4)

ORDER

This Writ Petition is filed seeking to issue a Writ of Mandamus directing the second respondent to survey the petitioner's land in Survey No.347/2A, Dinganarai Village, Thalavadi Taluk, Gopichettypalayam, Erode District, based on the petitioner's representation dated 06.10.2023.

2. The case of the petitioner is that the subject property is the petitioner's family property and all the revenue records stand in the name of the petitioner. On 28.10.2022, a petition was given at the office of the 2nd respondent requesting the surveyor to measure and survey the said land. After repeated request, when the Surveyor came for surveying the



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land, the respondents 5 and 6 along with other person prevented the Surveyor from conducting the Survey and that the said persons have encroached into the land and conveniently sent away the Surveyor. Thereafter, the petitioner sent a representation dated 06.10.2023 to the respondents 1 to 3 to take action to survey the land. However, the same has not been considered. Hence, the present Writ Petition is filed.

3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents 1 to 4.

4. Since the respondents 5 and 7 are unnecessary parties, this Writ Petition is dismissed as against the respondent 5 and 7 herein with cost.

5. Having regard to the submissions made by the learned counsel on either side and since this writ petition is filed seeking a simple writ of mandamus to consider the petitioner's representation, this Court without expressing any opinion with regard to the merits of the case, directs the 3rd respondent to issue notice to the petitioner and to the adjacent land owners



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of the four boundaries of the subject land and also to the rival claimants/interested parties/objectors if any, as the case may be and conduct enquiry in the manner known to law and pass orders on merits and in accordance with law, within the time as prescribed in the circular No.R1/2005632/2022 dated 17.07.2023 issued by the Commissioner of Land Administration, from the date of receipt of a copy of this order.

6. It is made clear that after conducting enquiry in the manner known to law, if the 3rd respondent finds that the petitioner is otherwise eligible/entitled, he shall conduct survey in the subject land and in case, any other third party prevented them from conducting survey, the 3rd respondent shall seek the help of Police and complete the survey.

7. With the above directions, this Writ Petition is disposed of at the admission stage itself insofar as the respondents 1 to 4 are concerned. No costs.



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8. As stated above, this Writ Petition is dismissed as against the respondents 5 to 7 herein with cost of Rs.10,000/- (Rupees Ten Thousand Only). The petitioner is directed to pay the said cost to the credit of Chief Justice Relief Fund.

05.03.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Case Citation : Yes/No

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To

- 1.The District Collector,
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P.VELMURUGAN. J.

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