



W.P.No.2531 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.2531 of 2024

and

W.M.P.No.2768 of 2024

Palanisamy

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Tahsildhar,
Dharmapuri Taluk,
Dharmapuri District.

3. The Village Administrative Officer,
Annasagaram Village,
Dharmapuri Taluk,
Dharmapuri.

4. Krishnan

5. Balaji

... Respondents



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PRAYER:

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Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to consider the petitioner's objections dated 22.01.2024 and pass orders within the stipulated time before measuring/survey the land measuring 2966 sq.ft in S.No.421/9, Annasagaram Village, Dharmapuri Taluk, Dharmapuri District.

For Petitioner : Mr.A.Ilayaperumal

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's objections dated 22.01.2024 and pass orders within the stipulated time before measuring/surveying the land of an extent of 2966 sq.ft in S.No.421/9, Annasagaram Village, Dharmapuri Taluk, Dharmapuri District.



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2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents and perused the materials available on record.

3. Since there is no adverse order passed against the private respondents/respondents 4 and 5, notice to the private respondents is dispensed with.

4. Already, the the private respondent/fifth respondent herein filed W.P.No.26081 of 2023 seeking direction to the second respondent herein to survey his land and this Court, vide order dated 16.11.2023, directed the second respondent to pass orders on merits, after giving notice and opportunity of hearing to the petitioner as well as all the adjacent land owners of the four boundaries of the fifth respondent's land.

5. Though the petitioner stated that he is in possession of the property, he has not produced either Patta or document of title or any other document to prove the same. The petitioner does not have valuable



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objections. With regard to the civil dispute between the petitioner and the private respondents, it is seen that the petitioner had already filed a civil suit in O.S.No.67 of 2023 on the file of the District Munsif Court, Dharmapuri, which is pending.

6. Since the petitioner had already approached the Civil Court, he can work out his remedy before the Civil Court in the manner known to law. The second respondent is directed to conduct survey in respect of the property in question and pass orders on merits and in accordance with law, however, the order that would be passed by the second respondent would be subject to the outcome of the Civil Court's decree.

7. With the abovesaid direction, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To

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P.VELMURUGAN, J.

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