



W.P.No.3735 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.3735 of 2024

V.Devarajan

... Petitioner

Vs.

- 1 The Tahsildar,
Office of the Thasildar,
Hasthampatty,
Salem-7.
- 2 The Surveyor,
Salem (East),
Salem.
- 3 The Inspector of police,
Ammapettai Police Station,
Salem Taluk and District.
- 4 Lakshmanan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing 1st and 2nd Respondent with the protection of the 3rd respondent to conduct a survey and demarcation of the land situated in TS number 44/4 Block No.28 29 Ward No. AL Ammapet Village Salem Town and District.



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W.P.No.3735 of 2024

For Petitioner : Mr.T.C.Gopalakrishnan
For R1 & R2 : Mr.T.Arunkumar
Additional Government Pleader
For R3 : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, directing respondents 1 and 2 with the protection of the third respondent to conduct a survey and demarcation of the land situated in TS number 44/4 Block No.28 29 Ward No. AL Ammapet Village, Salem Town and District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and the Additional Public Prosecutor appearing for the third respondent and perused the materials available on record.

3. Since there is no adverse order passed against the private respondent/R4, notice to the private respondent/R4 is dispensed with.



W.P.No.3735 of 2024

WEB COPY

4. This Court feels that the third respondent has no authority to conduct survey and he is unnecessary party to the present writ petition and hence the writ petition is dismissed as against the third respondent.

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 conduct a survey and demarcation of the petitioner's land based on the petitioner's representation dated 30.05.2022, this Court without expressing any opinion with regard to the merits of the case, directs the respondents 1 and 2 to consider the petitioner's representation dated 30.05.2022, if the petitioner is otherwise eligible, issue notice to the petitioner, the fourth respondent herein, adjacent land owners of the four boundaries of the subject property/interested parties/rival claimants/objectors if any, and conduct enquiry and survey in the manner known to law, and pass orders on merits and in accordance with law. The abovesaid exercise shall be completed within a period as stipulated in the Circular No. R1/2005632/2022 dated 17.07.2023 issued by the Commissioner of Land Administration.



W.P.No.3735 of 2024

WEB COPY

If any of the parties obstruct the official respondents/R1 & R2 from doing their official duty, it is for them, to approach the concerned police.

6. With the abovesaid direction, the Writ Petition is disposed of.

There shall be no order as to costs.

16.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

- 1 The Tahsildar,
Office of the Thasildar,
Hasthampatty,
Salem-7.
- 2 The Surveyor,
Salem (East),
Salem.
- 3 The Inspector of police,
Ammapettai Police Station,
Salem Taluk and District.



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W.P.No.3735 of 2024

P.VELMURUGAN, J.

mfa

W.P.No.3735 of 2024

16.02.2024