



W.P.No. 6341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 6341 of 2024

G.M.Periannan

... Petitioner

versus

1.The District Collector,
Dharmapuri District,
Dharmapuri.

2.The Assistant Director of Survey and Land Records,
Dharmapuri.

3.The Tahsildar,
Nallampalli Taluk,
Dharmapuri District.

4.The Inspector of Police,
Thoppur Police Station,
Dharmapuri District.

5.Vaiyapuri

... Respondents

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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the fourth respondent herein to provide adequate police protection enabling the third respondent to conduct survey in the light of the communication dated 18.11.2022 in GDP/94/2022 and to issue Patta in petitioner's favour based on the application number No.2023/0105/05/230938 dated 20.06.2023 within the stipulated time prescribed by this Court.

For Petitioner : Mr.C.Prabakaran

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

Mr.S.Sugendran
Additional Public Prosecutor for R4

ORDER

Mr.A.Selvendran, learned Special Government Pleader accepts notice for respondents 1 to 3 and Mr.S.Sugendran, learned Additional Public Prosecutor appears on behalf of the fourth respondent.

2. Since this writ petition is being disposed of without passing any adverse orders against fifth respondent, affecting his interest, notice to fifth respondents is dispensed with. As this Court is of the view that the fourth



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respondent is not a necessary party, this Writ Petition is dismissed as against the fourth respondent with costs of Rs.10,000/- (Rupees Ten Thousand only) which shall be paid by the petitioner to the Chief Justice Relief Fund.

3. This writ petition has been filed seeking for issuance of a writ of mandamus, direct the fourth respondent herein to provide adequate police protection enabling the third respondent to conduct survey in the light of the communication dated 18.11.2022 in GDP/94/2022 and to issue Patta in the name of the petitioner based on the application number No.2023/0105/05/230938 dated 20.06.2023 within the stipulated time as prescribed by this Court.

4. The learned counsel for the petitioner submitted that the petitioner has sent several representations to the respondents, seeking for sub division and transfer of Patta in the name of the petitioner in respect of the subject properties by paying requisite fees. While so, the third respondent sent a



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communication dated 18.11.2022 to the fourth respondent herein to provide police protection to conduct the survey as the fifth respondent is causing hindrance to survey the land. Since the survey was not conducted, the petitioner has given another application dated 20.06.2023 to the second respondent. However, till date, the third respondent has not taken any action on the said application, hence, the petitioner is constrained to file the present writ petition.

5. The learned Special Government Pleader appearing for respondents 1 to 3 submitted that the petitioner's application would be considered on merits and in accordance with law.

6. Heard both sides and perused the materials available on record.

7. Since this writ petition is filed for Mandamus simpliciter, to direct the third respondent to consider the application of the petitioner, this Court, without expressing any view or opinion with regard to the merits of the case, directs the third respondent to consider the application of the petitioner dated



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20.06.2023, after issuing notice to the petitioner and the fifth respondent herein as well as rival claimants/interested parties/objectors/aggrieved parties/adjacent owners of the four boundaries of the subject land if any, as the case may be, conduct a enquiry into the matter and pass appropriate orders on merits and in accordance with law. Such exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. However, there shall be no order as to costs.

11.03.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

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