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WP.No.11372 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **26.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11372 of 2024

D.Elaiyaperumal

.. Petitioner

Versus

1. The District Collector,
Krishnagiri District,
Pincode – 635 001.
2. The District Surveyor,
Assistant Director Land and Survey
and Office of the Registrar,
the Collector Office,
Krishnagiri District.
3. The Thasildar,
Uthangarai Taluk,
Krishnagiri District 635 207.
4. The Village Administrative Officer,
Kizhmathur Village,
Andiyur Post,
Uthangarai Taluk,
Krishnagiri District 635 307.
5. The Revenue Inspector,
Keezhmathur Village,
Singarapettai 635 307.



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6. The Taluk Surveyor,
Keezhmathur Village,
Singarapettai,
Uthangarai Taluk 635 307.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 6th respondent to take necessary steps to survey the land and mark boundaries between petitioner's will properties (248/2, 249/2 & 250/1) and common pathway (248/1, 249/1, 239/7B & 239/6) by considering the petitioner's representation dated 02.05.2023.

For Petitioner : Mr.R.Sathish Kumar

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition is filed to direct the sixth respondent to survey the petitioner's land and mark boundaries between petitioner's will properties (248/2, 249/2 & 250/1) and common pathway (248/1, 249/1, 239/7B & 239/6) by considering the petitioner's representation dated 02.05.2023.

2. By consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

<https://www.mhc.tn.gov.in/judis> 3. The case of the petitioner is that Survey Nos.248/1, 249/1, 239/7B



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and 239/6 of the Kizhmathur Village, Andiyur Post, Uthangarai Taluk,

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Krishnagiri District is a common pathway for in an around resident of the village people to reach temple of Kazhatamman and Papathiamman temple and hence, there cannot be any third party interest or claim or encroach over the said land. The father of the petitioner namely Duraisamy @ Chinna Perumal Gounder had bequeathed Survey Nos.248/2, 249/2 and 250/1 by way of a Will in favour of his wife, Gowriammal on 03.07.1976. Subsequently, the mother of the petitioner had executed a Will in respect of the said Survey Numbers in favour of the petitioner on 24.04.1995. After the demise of his mother, the Testamentary Will came into force and the petitioner is now in possession and enjoyment of the above said properties. It is the grievance of the petitioner that he has given a representation dated 02.05.2023 to the respondents for marking the boundaries between the Will properties owned by him and the common pathway. However, the same has not been considered by the sixth respondent. Hence, the present Writ Petition.

4. Heard learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



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5. Considering the limited relief sought for in this writ petition, the second respondent is directed to consider the representation of the petitioner dated 02.05.2023 and pass appropriate orders on the petitioner's representation for survey of the property and demarcate the boundaries between the Will properties and common pathway after giving notice to the neighbouring land owners and any other interested persons, within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

26.04.2024

gsa

Index : Yes/No

Internet : Yes/No

Neutral Citation : Yes/No

To,

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Uthangarai Taluk,
Krishnagiri District 635 207.

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4. The Village Administrative Officer,
Kizhmathur Village,
Andiyur Post,
Uthangarai Taluk,
Krishnagiri District 635 307.
5. The Revenue Inspector,
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6. The Taluk Surveyor,
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N. SATHISH KUMAR, J.

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