



WEB COPY



WP.No.11344 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.11344 of 2024

Palanisami

.. Petitioner

Versus

1. The District Collector,
District Collector Office,
Tiruppur District 641 604.

2. The Revenue Divisional officer,
Udumalpet Taluk,
Tiruppur District.

3. The Assistant Director (Survey & Land Records),
Collectorate Building,
Tiruppur,
Tiruppur District 641 604.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 31.01.2024 and consequently, direct the 3rd respondent to conduct survey of the scheduled property situated in Survey No.297/2B, Periyavalavadi Village, Udumalpet Taluk, Tiruppur District within a time frame.

For Petitioner : Mr.D.G.Hari Prasath

For Respondents : Mr.P.Sathish

Additional Government Pleader



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ORDER

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

2. This writ petition is filed to direct the respondents to consider the petitioner's representation dated 31.01.2024 and consequently, direct the 3rd respondent to conduct survey of the scheduled property situated in Survey No.297/2B, Periyavalavadi Village, Udumalpet Taluk, Tiruppur District within a time frame.

3. The case of the petitioner is that he and his brother had purchased an agricultural land situated in the Survey Nos.441, 297/2A, 297/2B and 297/2C, measuring to an extent of 5.15 acres, situated at Periyavalavadi Village, Udumalpet Taluk, Tiruppur District in the year 1998 and got the revenue records including patta in their favour. On 13.01.2020, the petitioner approached the office of the 2nd respondent to conduct survey and to mark boundaries of his agricultural land in the Survey Nos.441, 297/2A, 297/2B and 297/2C and paid necessary fee for the same. It is the grievance of the petitioner that the 2nd respondent had informed the petitioner that such survey cannot be



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conducted since one T.Senthil Kumar, who is owner of the land situated in Survey No.486 had filed a suit before the concerned jurisdictional Court. The said T.Senthil Kumar had encroached the land of the petitioner situated in Survey No.297/2B and had created a water channel running into his agricultural land, thereby affecting the agricultural land of the petitioner by water stagnation. On enquiry, the petitioner came to know that the said T.Senthil Kumar had misrepresented the second respondent that a suit has been filed and pending on the file of the Sub Court, Udumalpet and prevented them from surveying the land of the petitioner, whereas no such civil suit was filed by him, no court notice nor summons was served on the petitioner till date. Hence, the petitioner has given a representation dated 31.01.2024 to the first respondent, requesting to conduct survey in the scheduled property situated in S.No.297/2B and to mark boundaries. However, the same has not been considered by the first respondent. Hence, the present Writ Petition.

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

5. Considering the limited relief sought for in this writ petition, the first



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respondent is directed to consider the representation of the petitioner dated 31.01.2024 and pass appropriate orders on the petitioner's representation for survey of the property and demarcate the boundaries 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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N. SATHISH KUMAR, J.

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