



WP.No.15741 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **23.07.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

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C.Jayanthimala

... Petitioner

.. Vs ..

1. The District Collector,
Namakkal, Namakkal District – 637 003.
2. The Superintendent of Police,
Namakkal, Namakkal District – 637 003.
3. The Revenue Divisional officer,
Namakkal, Namakkal District – 637 003.
4. The Tahsildar,
Kollihills, Namakkal District – 637 411.
5. The Inspector of Police, Semmedu Police Station,
Namakkal District – 636 411.
6. The Surveyor, Taluk Office, Kollihills Taluk,
Namakkal District – 637 411.

7. Navamani

8. Kalaiselvi

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents 4 and 6 to survey the land



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in Survey No.584/6 measuring an extent of 40 cents situated at No.16, Sengattupatti, Devanurandu Village, Kollihills Taluk, Namakkal District as per patta No.466 with police protection and demarcate the boundaries by considering the petitioner's representation dated 04.04.2024.

For Petitioners : Mr.R.Govindasamy

For Respondents : Mr.S.J.Mohamhed Sathik
Government Advocate – R1, R3, R4 & R6

Mr.S.Sugendran,
Additional Public Prosecutor – R2 & R5

Mr.T.Thamizhmani – R7

ORDER

Since no adverse Order has been passed against the seventh and eighth respondents, notice to them is dispensed with.

2. This writ petition is filed to direct respondents 4 and 6 to survey the land in Survey No.584/6 measuring an extent of 40 cents situated at No.16, Sengattupatti, Devanurandu Village, Kollihills Taluk, Namakkal District as per patta No.466 with police protection and demarcate the boundaries by considering the petitioner's representation dated 04.04.2024.



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WEB COPY 3. Heard learned counsel for the petitioners and the learned Government Advocate appearing for the respondents 1, 3, 4 and 6 and the learned Additional Public Prosecutor appearing for the second and fifth respondents and the learned Counsel appearing for the seventh respondent and perused the materials available on record.

4. It is the case of the writ petitioner that he has purchased the property from the seventh respondent vide a registered sale deed date 12.10.2018 and patta also transferred to the name of the petitioner and the petitioner is in possession of the property. However, the respondents are trying to encroach upon the property the property of the petitioner. In this regard, the petitioner has also given a police complaint. The petitioner has also made a representation to the respondents 1 to 4 to survey her land and they have not considered the same. Hence, the present Writ Petition.

5. Counter has been filed by eighth respondent to the effect that the petitioner is not in possession of the property and the eighth respondent is in possession of 1.76 Acre in Survey No.281/6. It is further stated in the counter that the suit filed by the petitioner in O.S.No.386 of 2018 for permanent



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injunction has already been dismissed for non prosecution. Hence, opposed the Writ Petition.

6. On a perusal of records, particularly the pleadings filed in the suit in O.S.No.386 of 2018 indicate that the parties are trying to establish their possession in the suit property. Unless their possession is established in the manner known to law, as a matter of right, the authorities cannot be directed to demarcate the property. The petitioner having filed the suit in O.S.No.386 of 2018 and allowed the same to be dismissed for default and the written statement filed by the defendant, who is the eighth respondent in present Writ Petition, makes it clear that she is in possession of the property. In such view of the matter, there cannot be any direction to demarcate and fix boundary stones in the property. It is for the petitioner to file appropriate suit for fixing the boundaries under the Tamilnadu Survey and Boundary Act and to establish her right over the property and work out her remedy before competent Court. Hence, I do not find any merits in this Writ Petition.

7. Accordingly, this Writ Petition is dismissed. No costs.

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vrc



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Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

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N. SATHISH KUMAR, J.

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