



W.P.No.21877 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21877 of 2024

A.Mahendran

...Petitioner

Vs.

1.The District Collector
Namakkal District
1st Floor, Collectorate
Tiruchengode Road
Namakkal 637 003.

2.Assistant Director (Survey)
Namakkal
Namakkal District Collectorate
Tiruchengode Road
Namakkal 637 003.

3.Head Surveyor
Sendhamangalam Taluk Office
Namakkal District.

4.The Inspector of Police
Belukurichi Police Station
Sendhamangalam Taluk
Namakkal District.

5.M.V.Arul

6.S.Sivasaravanan

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to survey the pathway, measuring 15 cents, comprised in S.No.108/4, situated in Uthirakidikaval Village of Sendhamangalam Taluk, Namakkal District and to lay survey stones thereto; and provide police protection while the petitioner erect fence in the borders of his land;

For Petitioner : Mr.SP.Chockalingam

For Respondents : Mr.A.Selvendran for R1 to R3
Special Government Pleader
Mr.S.Sugendran for R4
Additional Public Prosecutor

ORDER

The petitioner herein seeks a direction to the third respondent to survey the pathway measuring 15 cents, comprised in S.No.108/4 situated in Uthirakidikaval Village of Sendhamangalam Taluk, Namakkal District.

2. According to the petitioner, he is the owner of the land situated in S.No.108/3 and he is having a pathway right over the land comprised in S.No.108/4 and the patta for the said property stands in the name of the



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petitioner as well as in the name of Mr.Yogeeswaran. The petitioner filed an application before the third respondent seeking survey of the pathway situated in S.No.108/4 and he also paid necessary charges for surveying the property as seen from the online e-challan issued to the petitioner dated 09.01.2024, which is enclosed in page No.114 of the typed set of papers.

3. It is also seen from the affidavit that the respondents 5 & 6 objected to survey the property and in fact the fifth respondent filed a suit in O.S.No.116 of 2023 and the same is pending.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that in view of the objections raised by the respondents 5 & 6, they shall be heard before surveying the property.

5. Having regard to the nature of the prayer made by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the third respondent to consider the request of the petitioner for surveying the property situated in S.No.108/4 after issuing notice to the respondents 5 & 6 and take a final



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decision within a period of 6 weeks from the date of receipt of copy of this order.

6. With the above directions, this Writ Petition is disposed of. No

costs.

06.08.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order
dna



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To

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S.SOUNTHAR, J.
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