



W.P.No.21926 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.21926 of 2024

Sathyamoorthy

...Petitioner

Vs.

1. The Tahsildar
Palacode Taluk,
Dharmapuri District.

2.The Taluk Head Surveyor,
Tahsildhar Office,
Palacode Taluk,
Dharmapuri District.

3.Vasantha

4.Ramamoorthy

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, restraining the respondents 1 and 2 and his subordinates from disturbing the peaceful possession and enjoyment of the property in Survey No.540A situated at Erranahalli Village and Post, Palacode Taluk, Dharmapuri District by considering the representation of the petitioner dated 01.07.2024.



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For Petitioner : Mr.M.R.Elavarasan

For Respondents 1 &2 : Mr.P.Gurunathan
Additional Government Pleader

ORDER

The petitioner seeks issuance of a writ of mandamus restraining the respondents 1 and 2 and his subordinates from disturbing the peaceful possession and enjoyment of the property in Survey No.540A situated in Erranahalli Village and Post, Palacode Taluk, Dharmapuri District by considering his representation dated 01.07.2024.

2. According to the representation of the petitioner dated 01.07.2024 submitted before the respondents 1 and 2, the land in Survey No.540A situated in Erranahalli Village, Palacode Taluk, Dharmapuri District belonged to his mother and he has been in possession and enjoyment of the same after her death. It was further stated by the petitioner that 3rd respondent, without having any manner of right, filed application before respondents 1 and 2 seeking survey of the land and attempted to interfere his possession.



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3. The prayer in the writ petition is in the nature of seeking injunction restraining the respondents 1 and 2 from interfering with the possession of the petitioner. If there is any threat to the possession of the petitioner, it is for the petitioner to approach the Civil Court seeking appropriate remedy. Therefore, the prayer sought for in the writ petition cannot be granted. However, in view of the averments made in the affidavit filed in support of this petition, this Court is inclined to direct the 1st respondent to conduct enquiry on the representation filed by the petitioner dated 01.07.2024 and pass final orders on merits within a period of eight weeks from the date of receipt of copy of this order after affording sufficient opportunity to the respondents 3 and 4.

4. 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
Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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To

1. The Tahsildar
Palacode Taluk,
Dharmapuri District.

2. The Taluk Head Surveyor,
Tahsildhar Office,
Palacode Taluk,
Dharmapuri District.

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