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WP.No.35411 of 2024

In the High Court of Judicature at Madras

Dated : 22.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35411 of 2024

R.Thangavel

...Petitioner

Vs

1.The Tahsildar, Taluk Office,
Udumalaipet Taluk,
Tiruppur District.

2.The Revenue Inspector,
Taluk Office, Udumalaipet
Taluk, Tiruppur District.

3.The Village Administrative
Officer, Kurichikottai Village,
Udumalaipet Taluk,
Tiruppur District.

4.The Inspector of Police,
Amaravathi Nagra Police Station,
Amaravathi Nagar Main Road,
Udumalaipet Taluk,
Tiruppur District.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing respondents 1 to 3 herein to conduct survey of the land in survey No.81/C of Kurichikottai Village, Udumalaipet Taluk, Tiruppur District with a police protection by the fourth respondent herein within a time frame as this



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Court may fix.

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For Petitioner : Mr.S.Prabhu
For R1 to R3 : Mr.G.Velu, AGP
For R4 : Mr.R.Vinoth Raja, GA (Crl.Side)

ORDER

Seeking a direction to respondents 1 to 3 to conduct a survey in respect of the land in survey No.81/C of Kurichikottai Village, Udumalaipet Taluk, Tiruppur District measuring an extent of 66 cents with the assistance of police officials, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader accepting notice for respondents 1 to 3 and the learned Government Advocate (Crl.Side) accepting notice for the fourth respondent.

3. The petitioner claims that he is the absolute owner of the said property. He acquired the said property by way of a partition deed dated 25.8.1995 registered on the file of the Sub-Registrar, Udumalaipet. As there had been some intervention by some third parties, the petitioner filed a civil suit in O.S.No.369 of 2017 before the Sub-Court, Udumalaipet and obtained a decree on 23.1.2024 for



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declaration and permanent injunction in respect of the said property.

Pursuant to the said decree, the petitioner applied to the first respondent on 10.5.2024 to conduct a survey and fix the boundaries. As it did not evoke any response, the petitioner once again made another application on 18.9.2024 to the first respondent and also paid necessary charges. Till date, nothing was forthcoming. Hence the writ petition.

4. As seen from the copy of the document enclosed along with the affidavit filed in support of the writ petition, the said property belongs to the petitioner. Hence, the petitioner applied to the first respondent to conduct a survey and fix the boundaries. The petitioner also approached the police officials to take action against the third parties, who are attempting to interfere with his peaceful possession.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the first respondent to conduct a survey of the said property and fix the boundaries. The petitioner shall submit all the relevant records to show his title to the said property and the first respondent shall, after issuing notice to the other interested parties, hold an enquiry and thereafter pass orders either surveying and subdividing the property or rejecting the request.



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If there is any disturbance while conducting the survey, the first respondent may approach the fourth respondent for necessary police protection. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. It is made clear that in the case of rejection, a speaking order shall be passed by the first respondent. No costs.

22.11.2024

To

- 1.The Tahsildar, Taluk Office,
Udumalaipet Taluk,
Tiruppur District.
- 2.The Revenue Inspector,
Taluk Office, Udumalaipet
Taluk, Tiruppur District.
- 3.The Village Administrative
Officer, Kurichikottai Village,
Udumalaipet Taluk,
Tiruppur District.
- 4.The Inspector of Police,
Amaravathi Nagra Police Station,
Amaravathi Nagar Main Road,
Udumalaipet Taluk,
Tiruppur District.

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