



WP.No.34988 of 2024

In the High Court of Judicature at Madras

Dated : 28.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34988 of 2024

Krishnan

Vs

...Petitioner

1.The Tahsildar, Mettur Taluk,
Salem District.

2.The Inspector of Police,
Mettur Police Station,
Salem District.

3.Palaniyappan
4.Perumal

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to survey and point out the field boundaries of the petitioner's property comprised in S.No.71/4A1, Kolnayakkanpatty Village, Mettur Taluk, Salem District to an extent of 58 cents by fixing stones with police aid at the time of survey and setting up the fencing to the petitioner's above said property in pursuance of the petitioner's representation dated 28.10.2024.



WP.No.34988 of 2024

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For Petitioner : Mr.C.Deepakkumar
For R1 : Mr.G.Velu, AGP
For R2 : Mr.R.Vinoth Raja, GA (Crl.Side)

ORDER

Seeking a direction to the first respondent to consider his representation dated 28.10.2024 to conduct a survey in respect of the land in S.No.71/4A1, Kolnayakkanpatty Village, Mettur Taluk, Salem District measuring 58 cents and to fix boundaries with the aid of the second respondent, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader accepting notice for the first respondent and the learned Government Advocate (Crl.Side) accepting notice for the second respondent.

3. The petitioner would contend that he is the absolute owner of the said property. He acquired the said property by way of a sale deed dated 10.9.2024 vide Doc.No.3952 of 2024 on the file of the Sub-Registrar, Mettur. After the purchase, the petitioner is in possession and enjoyment of the said property. The petitioner was also issued patta in his favour. The petitioner made an online application on 18.9.2024 to the first respondent seeking to survey the subject



WP.No.34988 of 2024

property and fix its boundaries. When the revenue officials came to the subject property to conduct a survey, respondents 3 and 4 intervened and was raising objections to conduct the survey. Therefore, the revenue officials left the subject property without conducting the survey. In this regard, the petitioner made a complaint to the second respondent. Once again, the petitioner sent a representation dated 28.10.2024 to the first respondent seeking to conduct a survey in respect of the subject property with the aid of the second respondent. As it did not evoke any response, the petitioner is before this Court.

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 requested the first respondent to conduct a survey of the subject property and fix its boundaries with the aid of the second respondent by sending the representation dated 28.10.2024.

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. The petitioner shall submit all the relevant records to show his title to the subject property and the first respondent shall, after issuing notice to respondents 3 and 4 and



WP.No.34988 of 2024

other interested parties, hold an enquiry and thereafter pass orders either surveying the subject property and demarcating the boundaries or rejecting the request. If there is any disturbance while conducting the survey, the first respondent may approach the second 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.

28.11.2024

To

1.The Tahsildar, Mettur Taluk,
Salem District.

2.The Inspector of Police,
Mettur Police Station,
Salem District.

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WP.No.34988 of 2024

P.T.ASHA,J

RS

WP.No.34988 of 2024

28.11.2024