



WP.No.36558 of 2024

In the High Court of Judicature at Madras

Dated : 09.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.36558 of 2024

Govindhasamy

Vs

...Petitioner

1. The District Collector
Collectorate, Kallakurichi
District.
2. The Revenue Divisional Officer
RDO Office, Katchery Road
Kallakurichi District.
3. The Tahsildar
Taluk Office
Kallakurichi District.
4. The Head Surveyor
Taluk Office
Kallakurichi District.
5. The Superintendent of Police
District Police Headquarters
Kallakurichi District.
6. The Deputy Superintendent of Police
Kallakurichi.
7. The Inspector of Police
Thiyagadurugam Ps
Kallakurichi District.

...Respondents



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PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 3 and 4 respondents to survey and fix the boundaries of the property pertaining to Survey No.168/19A with extent of 2.50 Ares situated at Periyambattu Village, Kallakurichi Taluk & District within a time frame fixed by this Court and further direct 5 to 7 respondents to provide adequate police protection at the time of survey.

For Petitioner : Mr.S.J.Raja Janakiraman
For R1 to R4 : Mr.R.P.Murugan Raja, GA
For R5 to R7 : Mr.R.Vinoth Raja, GA (Crl. Side)

ORDER

Seeking a direction to respondents 3 and 4 to conduct a survey and fix the boundaries in respect of the property measuring 2.50 Ares comprised in S.No.168/19A, Periyambattu Village, Kallakurichi Taluk & District and for a further direction to respondents 5 to 7 to give adequate police protection at the time of conducting the survey, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, the learned Government Advocate accepting notice for respondents 1 to 4 and the learned Government Advocate (Crl.Side) accepting notice for respondents 5 to 7.



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3. The case of the petitioner is that he purchased the said property from one Mr.Selvaraj vide sale deed dated 28.4.2005 registered as doc.No.614 of 2005. After purchase, the revenue records were mutated in his favour. The Highways Department acquired a part of the said property. Thereafter, the petitioner made an online application on 04.6.2024 to the third respondent seeking to conduct a survey in respect of the said property after paying necessary charges. He also made a written representation dated 16.9.2024 to respondents 3 and 4 reiterating his grievance to conduct a survey with the assistance of police officials. However, no action has been taken on the same. Hence the writ petition.

4. As seen from the copy of the documents enclosed along with the affidavit filed in support of the writ petition, the petitioner filed a suit in O.S.No.30 of 2014 on the file of the Principal District Munsif Court, Kallakurichi against one Mr.G.Rajendran seeking a decree for permanent injunction restraining him from interfering with the peaceful possession and enjoyment of the said property measuring 6 cents. It is also seen that the Trial Court, by judgment and decree dated 25.11.2019, granted a decree in favour of the petitioner in



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respect of the said property only for 5.6 cents.

5. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the third respondent to conduct a survey in respect of the said property. The petitioner shall submit all the relevant records to show his title to the said property and the third respondent shall, after issuing notice the other interested parties, hold an enquiry and thereafter pass orders either surveying the said property and fixing its boundaries. If there is any disturbance while conducting the survey, the third respondent may approach the police officials for necessary protection. The aforesaid exercise shall be completed within a period of 6 weeks from the date of receipt of a copy of this order. No costs.

09.12.2024

To

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3. The Tahsildar, Taluk Office
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4. The Head Surveyor
Taluk Office
Kallakurichi District.



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5. The Superintendent of Police
District Police Headquarters
Kallakurichi District.
6. The Deputy Superintendent of Police
Kallakurichi.
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RS



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RS

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