



W.P.No.89 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.89 of 2024

Manickam

... Petitioner

versus

1. The Tahsildar,
Dharmapuri Taluk Office,
Dharmapuri Taluk,
Dharmapuri District – 636 701.
2. The Head Surveyor,
Dharmapuri Taluk Office,
Dharmapuri Taluk,
Dharmapuri District – 636 701.
3. The Firka Surveyor,
Dharmapuri Taluk Office,
Dharmapuri Taluk,
Dharmapuri District – 636 701.
4. The Village Administrative Officer,
Annasagaram Revenue Village,
Dharmapuri Taluk,
Dharmapuri District – 636 701.



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5.The Inspector of Police,
B1-Dharmapuri Town Police Station,
Dharmapuri Taluk,
Dharmapuri District -636 701.

6.Murugesan

7.Jayavel

8.Paranthaman

9.Sivakumar

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 to 4 herein to conduct the survey of the subject lands of the petitioner i.e. Manavari Punjai Land comprised in Annasagaram Village, Survey No.551/5 ad-measuring an extent of 21 cents at Annasagaram Village Survey No.551/6 ad-measuring an extent of 18.5 cents in Annasagaram Revenue Village of the Dharmapuri Taluk in the Dharmapuri District with the adequate aid of the fifth respondent and fix the boundary stones in the subject lands based on the survey application of the petitioner dated 30.06.2022, within the stipulated time prescribed by this Court.

For Petitioners : Mr.D.Senthilkumar

For Respondents : Mr.R.Vigneshwaran
Government Advocate for R1 to R4

Mr.S.Sugendran
Additional Public Prosecutor for R5



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ORDER

Mr.R.Vigneshwaran, learned Government Advocate accepts notice for respondents 1 to 4 and Mr.S.Sugendran, learned Additional Public Prosecutor appears on behalf of the fifth respondent.

2. Since this writ petition is being disposed of without passing any adverse orders against respondents 6 to 9, affecting their interest, notice to those respondents is dispensed with. As this Court is of the view that the fifth respondent is not a necessary party, this Writ Petition is dismissed as against the fifth respondent.

3. This writ petition has been filed seeking for issuance of a writ of mandamus, directing respondents 1 to 4 herein to conduct survey in respect of the subject lands of the petitioner i.e. Manavari Punjai Lands comprised in Survey No.551/5, ad-measuring an extent of 21 cents and Survey No.551/6, ad-measuring an extent of 18.5 cents situated at Annasagaram Revenue Village of Dharmapuri Taluk, Dharmapuri District with adequate



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aid of the fifth respondent and fix the boundary stones in the subject lands, by considering the petitioner's application dated 30.06.2022.

4. The learned counsel for the petitioner submitted that the petitioner has made an application to the first respondent on 30.06.2022, thereafter, the authority concerned issued a notice dated 06.07.2022 and directed the petitioner to appear for an enquiry on 01.08.2022 along with necessary documents. Pursuant to the said notice, the petitioner appeared for enquiry, but the adjacent owners of the four boundaries of the subject property did not appear and that the petitioner had lodged a complaint to the first respondent and fifth respondent on 17.08.2022, to survey the subject lands with the help of the fifth respondent, but no final order has been passed till date, and hence, the present writ petition has been filed.

5. This Court, at this stage, is not expressing any view on the merits of the matter, as it is for the first respondent to consider and decide the same on merits and in accordance with law. Since the limited prayer sought for in this writ petition is for disposal of the application, this Writ Petition is



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disposed of, by directing the first respondent to conduct enquiry, after issuing fresh notice to the petitioner, adjacent owners of the four boundaries of the subject property and objectors/rival claimants/interested parties if any as the case may be. During the enquiry, if the first respondent finds any illegal obstructions, he has to approach the police authority and with the assistance of the police authorities, he has to conduct the survey and pass appropriate orders on merits and in accordance with law on the application of the petitioner dated 30.06.2022. All such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

08.01.2024

Index: Yes/No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
ms

Pg.Nos.5/7



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P.VELMURUGAN, J.

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