



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 04.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.2953 of 2025

Rukmani

... Petitioner

Vs.

- 1.The District Collector,
Erode District,
Erode.
- 2.The Revenue Divisional Officer,
Erode District, Erode.
- 3.The Deputy Superintendent of Police,
Gobichettipalayam, Erode District.
- 4.The Tahsildar,
Gobichettipalayam Taluk,
Erode District.
- 5.The Head Surveyor,
Gobichettipalayam Taluk,
Erode District.
- 6.The Inspector of Police,
Gobichettipalayam Police Station,
Gobichettipalayam,
Erode District.

... Respondents



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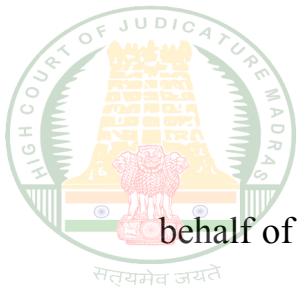
Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th and 5th Respondent to take steps to measure and demarcate the property being all that piece and parcel of land in Bharathi Nagar, Kalingiyam village, Gobichettipalayam, Erode having door No.317, house Plot No.184 part 4 in Application No.20241123069301 dated 23.11.2024 to put the fencing the property with the aid of 3rd and 6th respondent within a time frame fixed by this Court.

For Petitioner : Ms.M.Dharani for
Mr.M.Selvam
For Respondents : Mr.P.Sathish
Additional Government Pleader
for R1 to R5
Mr.R.Vinothraja
Government Advocate for R6

ORDER

This writ petition has been filed for issue of writ of mandamus directing the 4th and 5th respondents to survey and demarcate the subject property based on the application submitted by the petitioner on 23.11.2024 in order to enable the petitioner to put up fencing in the property with police protection.

2.Heard Ms.M.Dharani, learned counsel appearing on behalf of the petitioner, Mr.P.Sathish, learned Additional Government Pleader appearing on



behalf of respondents 1 to 5 and Mr.R.Vinoth Raja, learned Government Advocate appearing on behalf of the 6th respondent.

3.The grievance expressed by the petitioner is that the subject property is in possession and enjoyment of the petitioner and the petitioner is the absolute owner of the property. The petitioner wanted a survey to be conducted to fix the boundary stones and to fence the property. The same was resisted by one Periyasamy. Even before that, the father of Periyasamy was causing disturbance and was claiming a right of pathway. Hence, he filed a suit in O.S.No.51 of 1999 which was dismissed by the learned District Munsif, Gopichettipalayam by judgement and decree dated 28.01.2002. The same was also confirmed in appeal by the Sub Court, Gopichettipalayam in A.S.No.29 of 2002 by judgment and decree dated 23.10.2003. Even thereafter, the son of the original plaintiff was causing disturbance and was not permitting the survey and demarcation in order to enable the petitioner to fence her property. It is under these circumstances, the present writ petition has been filed before this Court.

4.Taking into consideration the facts and circumstances of the case and the materials that have been placed before this Court and considering the application submitted by the petitioner pending before the 4th and 5th respondents, there shall be



a direction to the 4th and 5th respondents to act upon the application submitted by the petitioner on 23.11.2024 and while doing so, they shall take into consideration the judgment and decree that was passed in O.S.No.51 of 1999 and A.S.No.29 of 2002. If no further appeal has been filed, the process shall be completed, within a period of four weeks from the date of receipt of copy of this order.

5.This writ petition is disposed of with the above directions. No Costs.

04.02.2025

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

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Erode District,
Erode.



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N. ANAND VENKATESH, J.

SSR

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