



W.P.No.29763 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.29763 of 2024

and

WMP.Nos.32439 & 32441 of 2024

1.Periyasamy
2.Poojari Ganesan
3.V.Loganathan

... Petitioners

Vs.

1.The District Collector
Coimbatore District, Coimbatore.

2.The Tahsildar
Perur Taluk Office, Perur, Coimbatore-641 010.

3.The Head Surveyor
Madhampatti Sub-Taluk, Perur Taluk, Coimbatore-641 010.

4.Velmurugan

5.Padma Sulochana

6.Taluk Deputy Surveyor
Perur Taluk Office, Perur,
Coimbatore-641 010.

...Respondents



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Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the 2nd and 3rd respondent from measuring the lands in Survey Nos. 5/1B2A2 and 6/1B2 without conducting a proper enquiry as to the ownership of the lands by the 6th respondent.

For Petitioner : M/s.Aravind Subramanian,
Senior Counsel

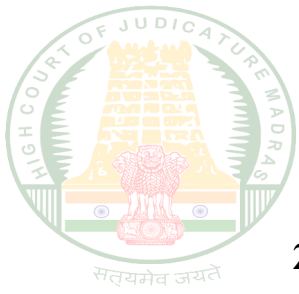
For Respondents : M/s.M.R.Gokul Krishnan, AGP
for R.1 to R.3 & R.6.

: M/s.R.R. Ramakrishnan
for R.Bharath Kumar
for R.4 and R.5

ORDER

The above Writ Petition has been filed for the following reliefs:-

"forbearing the 2nd and 3rd respondent from measuring the lands in Survey Nos. 5/1B2A2 and 6/1B2 without conducting a proper enquiry as to the ownership of the lands by the 6th respondent."



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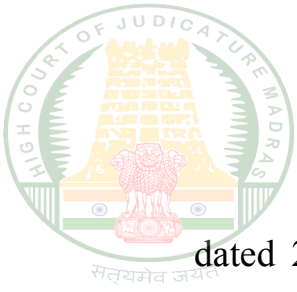
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2.The petitioners would submit that there is only one pathway which leads to the temple and is a part of a Government Poromboke land. The pathway is covered on one side by the fence of one Mr.Viswanathan and other side is a water-pathway.

3.It is the contention of the petitioners that the 4th and the 5th respondent have obstructed this pathway by encroaching into the poromboke land. Therefore, various representations had been given pursuant to which the respondents 1 to 3 had conducted survey on 07.02.2024. The Revenue Inspector had provided a report for the above mentioned survey stating that there was an encroachment by respondents 4 and 5 into the Government land.

4.The respondents 4 and 5 had filed a Writ Petition in W.P.No.20475 of 2024 seeking a mandamus to respondents 1 to 3 therein to survey and land and demarcate the same with boundary stones.

5.The petitioners would contend that the 4th and the 5th respondents had suppressed the survey that had been conducted earlier and obtained orders of survey. Pursuant to the order passed in W.P.No.2475 of 2024



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dated 24.07.2024, the impugned notice dated 03.10.2024 for survey has been issued without providing them opportunity to represent their case.

Therefore, the petitioners are before this Court.

6.A counter affidavit has been filed by the respondents 4 and 5 denying the allegations contained in the affidavit filed by the petitioners.

7.Heard the counsels on either side.

8.The relief claimed in the Writ Petition is an attempt to review the order passed in W.P.No.2475 of 2024 wherein this Court had passed the following orders:-

"5. Considering the limited relief sought for in this writ petition, the respondents 2 and 3 are directed to consider the application of the petitioner dated 05.12.2023 and pass appropriate orders on the petitioner-s representation on merits and in accordance with law, after giving notice to the neighbouring land owners and any other interested persons. Such exercise shall be completed within a period of two months from the date of receipt of copy of this order."



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WEB COPY 9. The petitioners cannot have any objection to the survey being conducted since the survey would be conducted only after issuing notice to them.

10. Accordingly, the Writ Petition stands dismissed. However, a direction is issued to the petitioners to depute one representative to appear before the Tahsildar. The Tahsildar is directed to pass a speaking order after issuing notice to all interested parties and affording them a personal hearing within a period of 12 weeks from the date of receipt of a copy of this order and follow the dicta of the order in W.P.No.2475 of 2024. No costs. Consequently, the connected Miscellaneous Petitions are closed.

29.01.2025

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No



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