



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2018

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18235 of 2017

J.Jeyathilagar

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Kodaikanal,
Dindigul District.

2.The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.

3.The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

4.D.John Kennady

5.S.Xavier

6.X.Albert

... Respondents

R4 TO R6 ARE IMPEADED VIDE COURT ORDER

DATED 12.03.2018 IN WMP(MD)16870/17

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 and 2 to survey the land located in Ward-D, Block-7, T.S.No.37 and 38 admeasuring 6.1 cents and 13.5 cents respectively in patta No.305 on the basis of the application to survey the land filed by the petitioner and further to direct the 3rd respondent to provide necessary police protection to survey the lands, on the basis of the complaint of the petitioner dated 11.09.2017 within a time frame as fixed by this Court.

For Petitioner

: Mr.B.Saravanan

For Respondents

: Mr.B.Bhagawathi

No.1 to 3

Government Advocate

For Respondents

: Mr.M.C.Swamy

No.4 to 6

**ORDER**

This Writ petition has been filed for the direction to the first and second respondents to survey the land and lay boundary stones and for a further direction to the third respondent police to give police protection during survey.

2.The learned counsel for the petitioner would submit that the petitioner is the owner of the property. The predecessors of the respondents 4 to 6 were permitted to put up huts inside the property and they are in possession and enjoyment of the small huts that have been constructed. The petitioner is the owner of a vast land and he wanted to survey and fix the boundary in the land in order to fence the property. The learned counsel for the petitioner also specifically undertakes before this Court that the petitioner in the guise of conducting survey, will not interfere with the possession and enjoyment of the huts, in which the respondents 4 to 6 are in possession and enjoyment. The said undertaking is recorded by this Court.

3.The learned counsel for the respondents 4 to 6 would submit that the survey was resisted by the respondents only on the ground that an attempt was made to evict them illegally from the property.

4.The first respondent has already issued a notice dated 25.07.2017 to the petitioner and also the respondents 4 to 6 were informed that the first respondent will conduct the survey in the property. However, the first respondent did not proceed to conduct survey in the property. Since there was resistance from respondents 4 to 6.

5.In view of the facts and circumstances of the case, since the petitioner has undertaken not to disturb the possession and enjoyment of the huts occupied by the respondents 4 to 6, no prejudice will be caused to the respondents 4 to 6, if the survey is conducted by the first respondent for the purpose of identifying the boundaries to lay boundary stones.

6.The petitioner is directed to make a fresh representation to the first respondent for the purpose of conducting the survey in the property. The first respondent shall conduct the survey and lay boundary stones. This exercise will be done by the first respondent only based on the title documents, which is relied upon by the petitioner in order to establish his right and title to the property. If in case of any resistance, the third respondent is directed to give sufficient police protection at the time of



7. With the above direction, this Writ Petition is disposed of.
No costs.

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/True Copy/

Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar (CS-IV)

To

1. The Tahsildar,
Taluk Office,
Kodaikanal,
Dindigul District.
2. The Commissioner,
Kodaikanal Municipality,
Kodaikanal,
Dindigul District.
3. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

+1cc to Mr. M. C. SWAMY, Advocate, Sr.No.89490.
+1cc to Mr. B. SARAVANAN, Advocate, Sr.No.89747.
+1cc to SPECIAL GOVERNMENT PLEADER, SR.No.89691.

W.P. (MD) No. 18235 of 2017
09.10.2018

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KK/RSK/SAR 4/30.10.2018/3P/7C