



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.6951 of 2021

and W.M.P. (MD) No.5341 of 2021

(Through Video Conference)

G.Kaleeswaran

...Petitioner

Vs.

1. The Sub-Collector,
Periyakulam,
Theni District.

2. The Assistant Director and
P.A. To Collector (Land Survey),
District Survey Office,
Theni District, Theni.

3. The Tahsildar,
Andipatti Taluk,
Theni District.

4. The Sub-Inspector of Police,
Kadamalaikudu Police Station,
Theni District.

5. Senrayaperumal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 1st respondent to pass an order on the Report dated 15.02.2021 sent by the 3rd respondent and direct the **(*)2nd respondent** to peg-mark the boundary and fix boundary stones for petitioner's land of 14.78 Ares (36.5 cents) in Survey No.399/2A2 covered in Patta No.8557 in **(*) Mayiladumparai Village**, Andipatti Taluk, Theni District in the presence of 4th respondent Police within a time limit to be fixed by this Court.

For Petitioner	: Mr.A.Thirumurthy
For RR 1 to 4	: Mr.M.Lingadurai, Government Advocate
For R5	: Mr.N.S.Karthikeyan

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus directing the first respondent to pass an order on the report sent by the third respondent on 15.02.2021 and direct the second and third respondents, to fix the boundary stones for the property belonging to the petitioner covered in Patta No.8557.



2. Heard Mr.A.Thirumurthy, learned counsel for the petitioner, Mr.M.Lingadurai, learned Government Advocate for the respondents 1 to 4 and Mr.N.S.Karthikeyan, learned counsel for the fifth respondent.

3. It is seen from the records that the third respondent has already submitted a report to the first respondent stating that the survey has been conducted and a report is being forwarded and subject to further orders passed by the first respondent, the third respondent will proceed further.

4. The grievance of the petitioner is that after the report was submitted by the third respondent, there was absolutely no progress and the boundary stones were not marked and therefore, the petitioner left with no other option, has approached this Court seeking for appropriate directions.

5. It can be seen from the records that the survey has been conducted in the presence of the parties and ultimately, the boundary stones will have to be fixed based on the title documents of the petitioner and the fifth respondent. Once this process is completed, the parties will get clarity as to the exact property to which they are entitled to.

6. In view of the above, there shall be a direction to the third respondent to proceed further and fix the boundary stones for the petitioner and the fifth respondent based on their title documents. This process shall be completed by the third respondent within a period of four(04) weeks from the date of receipt of a copy of this order. If any disturbance is caused to the third respondent in carrying out the directions of this Court, he can always take the assistance of the fourth respondent.

7. With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected W.M.P.(MD) No. 5341 of 2021 is closed.

Sd/-

ASSISTANT REGISTRAR(CS-III)

(*)Corrected as per the vide court order dated 28.03.2022 made in WMP(MD) .Nos.16280 & 16513 of 2021 in WP(MD) .6951 of 2021

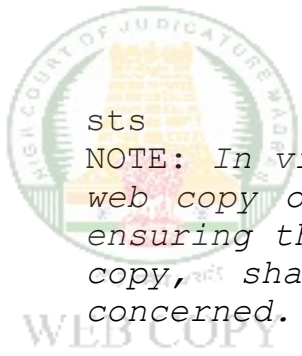
Sd/-

ASSISTANT REGISTRAR(CS-III)

/TRUE COPY/

/ /2022

SUB ASSISTANT REGISTRAR(CS)



sts

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

(*) To be substituted to the order already despatched on 13.07.2021

1. The Sub-Collector,
Periyakulam,
Theni District.
2. The Assistant Director and
P.A. To Collector (Land Survey),
District Survey Office,
Theni District, Theni.
3. The Tahsildar,
Andipatti Taluk,
Theni District.
4. The Sub-Inspector of Police,
Kadamalaikudu Police Station,
Theni District.

+1 CC to M/s.SPL GP (SR-21205[F] dated 05/07/2021)

+1 CC to M/s.N.S.KARTHIKEYAN, Advocate (SR-21132[F] dated 05/07/2021)

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-21147[F] dated 05/07/2021)

W.P. (MD) No.6951 of 2021
02.07.2021

KB(12.07.2021) 3P 8C

TR(11.04.2022) 3P 8C