



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.16340 of 2021

and

W.M.P. (MD) .No.13189 of 2021

WEB COPY

Nallusamy

... Petitioner

Vs.

1.The District Collector,
Madurai, Madurai District.

2.The Revenue Divisional Officer,
Collectorate Campus,
Madurai, Madurai District.

3.The Tahsildar,
Taluk Office, Vadipatti,
Madurai District.

4.The Inspector of Police,
Palamedu Police Station,
Madurai District.

5.Azhagappan

... Respondents

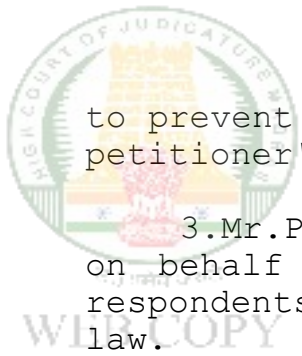
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to follow due process of law with regard to surveying the petitioner's land of bearing Survey No.246/2, Patta No.835, situated at Muduvarpatti, Vadipatti Taluk, Madurai District.

For Petitioner : Mr.R.Murugappan
For R1 to R4 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks to prevent the official respondents from conducting a survey of his land bearing Survey No.246/2 at Muduvarpatti, Vadipatti Taluk, Madurai District except by following due process of law.

2.The petitioner states that he is the owner of the above mentioned land. The patta issued to him is cited in support of the said contention. The petitioner alleges that the third and fourth respondents have inspected his land on multiple occasions at the behest of the fifth respondent. The present Writ Petition is filed



to prevent the official respondents from undertaking a survey of the petitioner's land without following due process.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the official respondents will not undertake such survey except in accordance with law.

4.Ordinarily, a survey is undertaken at the request of the owner of the relevant land. However, it may become necessary to survey the land of an adjoining land owner while carrying out a survey at the instance of a neighbouring or adjacent land owner so as to fix the boundary stones accurately. Needless to say, even if such exercise is to be undertaken, it should be done in accordance with law and after providing a reasonable opportunity to the owner of such adjoining land.

5.Subject to the above observations, W.P.(MD).No.16340 of 2021 is disposed of by recording the statement on behalf of the State that no survey would be undertaken of the petitioner's property except in accordance with law and by following due process in such regard. There will be no order as to costs. Consequently, W.M.P. (MD).No.13189 of 2021 stands closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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

- 1.The District Collector,
Madurai, Madurai District.
- 2.The Revenue Divisional Officer,
Collectorate Campus,
Madurai, Madurai District.



3.The Tahsildar,
Taluk Office, Vadipatti,
Madurai District.

4.The Inspector of Police,
Palamedu Police Station,
Madurai District.

+1 CC to M/s.SPL. GP (SR-29102[F] dated 15/09/2021)

**W.P (MD) No.16340 of 2021
14.09.2021**

RS (22.09.2021) 3P 6C