



W.P.(MD)No.14905 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.14905 of 2013

B.Banu

... Petitioner

Vs.

1.The District Surveyor,
Madurai District,
Collectorate,
Madurai.

2.The Commissioner of Police,
Madurai City,
Madurai.

3.The Inspector of Police,
B-1 Vilakkuthoon Police Station,
Keela Veli Veedhi,
Madurai.

4.M/s.Madurai Obula Q.Munusamy Iyer,
Dharuma Paripalana Sabhai represented by
The Secretary,
Obula Padithurai,
Madurai.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to direct the respondent 1 to survey of the vacant land of 3080 sq.ft. in old survey No.1227 new survey No.1 in Block No.13 in Ward No.9, Obula Padithurai Zone-3 Madurai Corporation in Vaigai Poramboke, Madurai South Region, East Madurai District with Police Protection from respondents 2 and 3 within time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Thambidurai,
Government Advocate for R1 to R3
Mr.T.R.Subramanian for R4

ORDER

The present writ petition has been filed seeking for a Writ of Mandamus, directing the first respondent to conduct survey of old Survey No.1227 and new Survey No.1 in Block No.13 in Ward No.9. The fourth respondent herein has objected to the said survey on the ground that he has already obtained Civil Court decree in O.S.No.893 of 2002 on the file of the Principal District Court, Madurai. In the said suit, the petitioner's husband was the original defendant.



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2. A perusal of the decree shows that the fourth respondent has obtained a decree for permanent injunction restraining the writ petitioner's husband from any way encroaching upon the suit schedule property. The suit schedule property in the said suit is Old T.S.No.1226 equivalent to New T.S.No.4 in Door No.30. The present writ petition has been filed to survey and demarcate the boundaries of Old Survey No. 1227. Hence, it is evident that the writ petitioner is not making any claim over Old Survey No.1227.

3. In view of the above said facts, the following orders are passed:

(i)The first respondent is directed to conduct a survey of Old Survey No.1227, New Survey No.1 as per the request made by the writ petitioner on appropriate application with requisite fees.

(ii)However, in the survey, the adjacent survey number, namely, T.S.No.1226 belonging to the fourth respondent shall not be disturbed.



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4. With the above said observations, this Writ Petition stands
allowed. No costs.

21.07.2022

Index : Yes / No
Internet : Yes / No
jbr

To

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R.VIJAYAKUMAR ,J.

jbr

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