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W.P.(MD)NO.1026 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1026 of 2022

P.Selvi

... Petitioner

Vs.

1. The District Collector,
Theni District,
Madurai Road,
Theni.
2. The Sub Collector / Revenue Divisional Officer,
Thamaraikulam Main Road,
Thenkarai, Periyakulam,
Theni District.
3. The Tahsildar,
Periyakulam Taluk,
Thenkarai, Periyakulam,
Theni District.
4. Murugesan,
President,
Kurumba Gounder Community,
Vadaveeranaickenpatti,
Periyakulam Taluk,
Theni District.
5. Ravichandran,
Vice-President,
Kurumba Gounder Community,
Vadaveeranaickenpatti,
Periyakulam Taluk,
Theni District.



6. Suruliappan,
Secretary,
Kurumba Gounder Community,
Vadaveeranaickenpatti,
Periyakulam Taluk,
Theni District.
7. Sethuraman,
Member,
Kurumba Gounder Community,
Vadaveeranaickenpatti,
Periyakulam Taluk,
Theni District.
8. Enanthan,
Member,
Kurumba Gounder Community,
Vadaveeranaickenpatti, Periyakulam Taluk,
Theni District.
9. Vellaivarisi Murugesan,
Member,
Kurumba Gounder Community,
Vadaveeranaickenpatti, Periyakulam Taluk,
Theni District.
- (R-4 to R-9 are impleaded vide Order dated 04.08.2022
made in W.M.P.(MD)No.1481 of 2022) ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to take necessary steps for carrying out the survey of the petitioner's house site in survey No.2230/2 in patta No.330 measuring to an extent of 1207 sq.ft consequently direct the respondents not to carry out the construction work of the temple until the survey of the house site is completed based on the representation of the petitioner dated 28.12.2021.



For Petitioner : Mr.K.Safar Badhusha
For R-1 to R-3 : Mr.N.Ramesh Arumugam,
Government Advocate.

For R-4 : Mr.C.Susikumar

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ORDER

The petitioner has applied to the jurisdictional authority for conducting survey of the petition mentioned lands and for demarcation of the boundaries. Since the authority had not acted upon the petitioner's request, this writ petition came to be filed.

2. The Writ Petition is disposed of with the following directions:-

(I) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.

(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be



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overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

No costs.

04.08.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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