



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

**W.P. (MD)No.4170 of 2022**

WEB COPY

C.Chellapandi

.. Petitioner

Vs

1.The District Collector,  
Madurai District,  
Collectorate,  
Madurai.

2.The Tahsildar,  
Madurai East Taluk,  
Narasingam Main Road,  
Ya.Othakadai,  
Madurai - 625 107.

3.The Taluk Surveyor,  
Madurai East Taluk,  
Madurai.

.. Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's application with payment challan, dated 04.10.2021 and representation, dated 01.03.2022 and direct the 2<sup>nd</sup> respondent to survey and determine boundaries of the sites situated property in new Survey Nos.37/96, 37/97 and 37/98 of Melamadai II Bit Village, Madurai East Taluk, Madurai, as per record.

For Petitioner : Mr.R.Narayanan

For Respondents : Mrs.S.Jeyapriya  
Government Advocate

**ORDER**

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to survey and demarcate the boundaries of the property in new Survey Nos.37/96, 37/97 and 37/98 of Melamadai II Bit Village, Madurai East Taluk, Madurai, within a time frame to be fixed by this Court, based on the petitioner's application, dated 04.10.2021 and the further representation, dated 01.03.2022.



2.The petitioner claims that he is the absolute owner of the aforementioned property. He seeks the assistance of the second and third respondents to conduct survey and demarcate his boundaries. He has submitted an application on 04.10.2021, for the said purpose and he has also paid the necessary charges. Thereafter, he has also sent another representation, dated 01.03.2022. Since his application has not been considered till date, he has filed this writ petition.

3.Heard Mr.R.Narayanan, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate, appearing for the respondents.

4.On instructions, the learned Government Advocate would submit that there are rival claimants for the very same property, who are adjacent land owners. She would further submit that unless and until they are given notice, survey and demarcation of the boundaries of the petitioner's property cannot be done. The said statement is recorded. She also submits that police assistance is also required for conducting the survey and demarcation of the boundaries. The said statement is also recorded.

5.No prejudice will be caused to any other parties, if the survey and demarcation of boundaries is carried out by the second and third respondents with the assistance of the police in the presence of the petitioner and other rival claimants, whom, the second and third respondents deem fit to give notice.

6.Accordingly, the second and third respondents are directed to conduct survey and demarcate the boundaries of the petitioner's properties comprised in new Survey Nos.37/96, 37/97 and 37/98 of Melamalai II Bit Village, Madurai East Taluk, Madurai, in the presence of the petitioner and other adjoining land owners, whom the second and third respondents deem fit to give notice, within a period of twelve weeks from the date of receipt of a copy of this order. The second and third respondents are also permitted to seek police assistance from the concerned jurisdictional police, if they deem it necessary.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

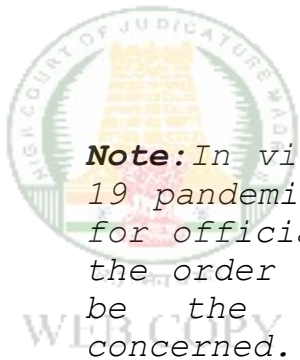
Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2022

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 District,  
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Madurai.

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Ya.Othakadai,  
Madurai - 625 107.

3.The Taluk Surveyor,  
Madurai East Taluk,  
Madurai.

+1 CC to M/s.SPL GP ( SR-11227[F] dated 10/03/2022 )

+1 CC to M/s.R.NARAYANAN, Advocate ( SR-10792[F] dated 09/03/2022 )

**W.P. (MD)No.4170 of 2022**

**09.03.2022**

sb (CO)

TR(24.03.2022) 3P 6C