



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4153 of 2022

S.Kamatchi

... Petitioner

/Vs./

1.The District Collector,
Tiruchirappalli District,
District Collector's Office Campus,
Tiruchirappalli - 1.

2.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

3.The Surveyor,
Thuraiyur Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to conduct a land survey, and measure the properties situated at Thalugai Village, Survey S.F.No.834/6 acre, 1.90 Cents and S.F.No.824/4 acre, 3.00, in total acre 4.90 cents, Thuraiyur Taluk, Tiruchirappalli District, and mark the boundaries so as to enable the petitioner to put up fencing around the property, based on the petitioner's application with payment challan dated 24.08.2021.

For Petitioner : Mr.R.Narayanan

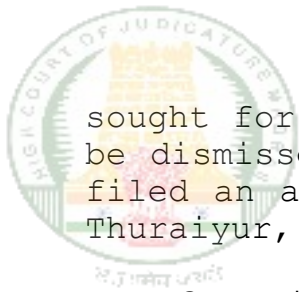
For Respondents : Mr.B.Saravanan

Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to conduct survey and measure the properties situated at Survey S.F.No.834/6 measuring 1.90 acres and S.F.No.824/4 measuring 3.00 acres, in total 4.90 acres, Thalugai Village, Thuraiyur Taluk, Tiruchirappalli District, and demarcate the boundaries, based on the petitioner's application dated 24.08.2021, within a time frame to be fixed by this Court.

2.The petitioner claims that she is the absolute owner of the aforementioned properties. According to the petitioner, her brother, Mr.Selvaraj, has filed a suit in O.S.No.77 of 2011 on the file of the District Munsif Court, Thuraiyur, alleging to have got an agreement of sale executed by the petitioner in his favour and



sought for permanent injunction in the said suit. The suit came to be dismissed on 29.08.2018. Aggrieved by the same, Mr.Selvaraj has filed an appeal in A.S.No.14 of 2019 on the file of the Sub Court, Thuraiyur, which also came to be dismissed on 25.11.2019.

3.It is the contention of the petitioner that no second appeal has been filed thereafter and therefore, the dispute between the petitioner and her brother, Mr.Selvaraj, has attained finality. In such circumstances, the petitioner has submitted an application on 24.08.2021 followed by a representation dated 09.09.2021 requesting for police assistance calling upon the second and third respondents to conduct survey and measure the petitioner's properties and thereafter demarcate the boundaries. Since the application and the representation have not been considered till date, she has filed this writ petition.

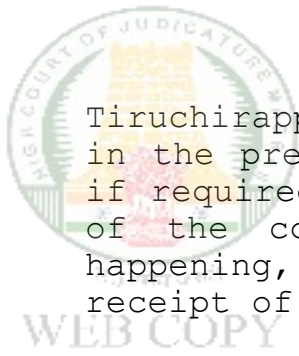
4.Heard Mr.R.Narayanan, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

5.In respect of the claim that the petitioner is the absolute owner of the aforementioned properties, she has filed documents, namely pattas standing in her name along with this writ petition. No prejudice would be caused to the respondents, if the survey and demarcation of boundaries to the petitioner's properties is done, after giving due notice to the petitioner, her brother, Mr.Selvaraj, who had filed a suit and appeal, which according to the petitioner, has attained finality and has gone against him, as per the Judgment of the lower appellate Court in A.S.No.14 of 2019 on the file of the Sub Court, Thuraiyur.

6.All the documents filed along with this writ petition will have to be considered by the second and third respondents, while conducting survey and demarcation of boundaries and prior notice will have to be given to the petitioner and her brother, Selvaraj. The survey and demarcation of the properties will have to be done by the second and third respondents only in their presence. No prejudice would be caused to the respondents, if the aforesaid exercise is done in the presence of the petitioner and her brother, Mr.Selvaraj.

7.The learned Additional Government Pleader appearing for the respondents submits that due to the dispute between the petitioner and her brother, Mr.Selvaraj, there is a chance of law and order problem happening. The same is recorded.

8.In the result, this Court directs the second and third respondents to conduct survey and measure the properties situated at Survey S.F.No.834/6 measuring 1.90 acres and S.F.No.824/4 measuring 3.00 acres, in total 4.90 acres, Thalugai Village, Thuraiyur Taluk,



Tiruchirappalli District, and demarcate the boundaries thereafter, in the presence of the petitioner and her brother, Mr.Selvaraj and if required, the second and third respondents shall seek assistance of the concerned police preventing any untoward incident from happening, within a period of twelve [12] weeks from the date of receipt of a copy of this order.

9.With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Tiruchirappalli District,
District Collector's Office Campus,
Tiruchirappalli - 1.

2.The Tahsildar,
Thuraiyur Taluk,
Trichy District.

3.The Surveyor,
Thuraiyur Taluk,
Trichy District.

+1 CC to M/s.SPL GP (SR-11209[F] dated 10/03/2022)

+1 CC to M/s.T.BANUMATHY, Advocate (SR-10791[F] dated 09/03/2022)

W.P. [MD]No.4153 of 2022

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