



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.4603 of 2022

S.Amanullah Khan

... Petitioner

/Vs./

1.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

2. The Taluk Surveyor,
Dindigul East Taluk,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents to survey and demarcate the four boundaries of the petitioner's land situated in S.No.865/2A, Sirumalai Village, Dindigul East Taluk, Dindigul District, in the light of application dated 25.02.2022 made by the petitioner within the time limit that may be stipulated by this Court.

For Petitioner : Ms.H. Jasima Yasmin
for Mr.Ajmal Associates.

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 survey and demarcate the four boundaries of the petitioner's land situated in S.No.865/2A, Sirumalai Village, Dindigul East Taluk, Dindigul District, based on the petitioner's application dated 25.02.2022 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that by order dated 13.12.1994 passed by the Hon'ble Supreme Court in Civil Appeal No.2763 of 1977, the petitioner and Mr.Balasubramaniam have been allotted equal shares in the property situated in S.No.865/2A, Sirumalai Village, Dindigul East Taluk, Dindigul District, measuring 30 acres. Separate pattas have also been issued in both of their names for the aforementioned property. Since there is a boundary dispute, the petitioner has requested the respondents to conduct survey and demarcate the boundaries of the aforementioned property by submitting an application dated 25.02.2022. Since the said



application has not been considered till date, the petitioner has filed this writ petition.

3.Heard Ms.H.Jasima Yasmin, learned Counsel for the writ petitioner and Mr.B.Saravanan, learned Additional Government Pleader who accepts notice on behalf of the respondents.

4.The petitioner has produced a copy of the order dated 13.12.1994 passed by the Hon'ble Supreme Court in Civil Appeal No.2763 of 1977 referred to supra along with this writ petition. The petitioner has also filed a copy of the patta standing in the name of the petitioner for 15 cents allotted to him as per the order of the Hon'ble Supreme Court dated 13.12.1994 in Civil Appeal No.2763 of 1977. The remaining 15 cents belong to Mr.Balasubramaniam. Since there is a boundary dispute, the petitioner seeks for survey and demarcation of the boundaries through the respondents. The petitioner has also submitted an application dated 25.02.2022 to the respondents requesting them to conduct survey and demarcation of four boundaries.

5.No prejudice would be caused to the respondents as well as Mr.Balasubramaniam or any other necessary party, whom the respondents deem fit to enquire, if the survey and demarcation of four boundaries is done in the presence of those parties along with the petitioner.

6.Accordingly, this Court directs the first respondent to conduct survey and demarcate the four boundaries of the land situated in S.No.865/2A, Sirumalai Village, Dindigul East Taluk, Dindigul District, in the presence of the petitioner, Mr.Balasubramaniam as well as any other necessary party, whom the first respondent deems fit to put on notice, within a period of twelve [12] weeks from the date of receipt of a copy of this order. The first respondent shall seek the assistance of the second respondent for conducting survey and demarcation of boundaries and in case any police assistance is required, the first respondent shall also seek the same.

7.With the aforesaid 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)



To

1.The Tahsildar,
Dindigul East Taluk,
Dindigul District.

2. The Taluk Surveyor,
Dindigul East Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-12736[F] dated 17/03/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12676[F] dated
17/03/2022)

W.P. [MD]No.4603 of 2022

Dated:

16.03.2022

RK(28/03/2022) 3P 5C