



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2022

CORAM:

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THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.5771 of 2022

Deivanai

... Petitioner

Vs

1.The District Collector,
Dindigul District Collectorate,
Dindigul.

2.The District Revenue Officer,
Dindigul District,
Dindigul.

3.The Tahsildar,
Kodaikanal Taluk Office,
Kodaikanal,
Dindigul.

4.The Head Surveyor,
Kodaikanal Taluk,
Kodaikanal,
Dindigul District.

5.The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 3 and 4 to survey the petitioner land extent of 2 acres in S.No.1224/1, Gundupatti Village, Kodaikanal Taluk, Dindigul District, based on the petitioner's application, dated 21.10.2021 and consequently, to direct the 5th respondent to give adequate police protection while at the time of measuring the land.

For Petitioner : Mr.M.Anandaraj

For Respondents : Mrs.S.Jeyapriya
Government Advocate



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 3 and 4 to survey the petitioner's land measuring an extent of 2 acres in S.No.1224/1, Gundupatti Village, Kodaikanal Taluk, Dindigul District, based on the petitioner's application, dated 21.10.2021 and consequently, direct the fifth respondent to give adequate police protection at the time of measuring the land.

2.The petitioner claims that earlier her husband was the absolute owner of the aforementioned property. After his death, the petitioner and her four sons and three daughters inherited the said property and became the absolute owners. The patta for the said property also stands in the name of the petitioner's husband. The petitioner seeks survey and demarcation of boundaries of their property. According to the petitioner, the neighbouring land owner is causing interference to the petitioner's peaceful possession and enjoyment of the property and only under those circumstances, survey and demarcation is required.

3.Heard Mr.M.Anandaraj, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate, who accepts notice on behalf of the respondents.

4.No prejudice will be caused to the respondents, if survey and demarcation of boundaries of the aforementioned property is done in the presence of the petitioner and other legal heirs of the deceased Ponnusamy, as well as any other necessary party, whom, the third respondent deems fit to put on notice. It is also the contention of the petitioner that the neighbouring land owner is causing interference for survey and demarcation of the boundaries and therefore, she seeks for police assistance.

5.For the foregoing reasons, this Court directs the third respondent with the assistance of the fourth respondent to conduct survey and demarcate the boundaries pertaining to the property measuring 2 acres in S.No.1224/1, Gundupatti Village, Kodaikanal Taluk, Dindigul District, in the presence of the petitioner and other legal heirs of the deceased Ponnusamy and also in the presence of any other necessary party, whom the third respondent deems fit to put on notice and in case, the third respondent requires police assistance, he shall seek the same from the fifth respondent and the fifth respondent shall grant the same accordingly. The aforesaid exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TM

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,
Dindigul District Collectorate,
Dindigul.
2. The District Revenue Officer,
Dindigul District,
Dindigul.
3. The Tahsildar,
Kodaikanal Taluk Office,
Kodaikanal,
Dindigul.
4. The Head Surveyor,
Kodaikanal Taluk,
Kodaikanal,
Dindigul District.
5. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

+1 CC to M/s.SPL GP (SR-16045[F] dated 01/04/2022)



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W.P.(MD)No.5771 of 2022

+2 CC to M/s.M.ANANDARAJ, Advocate (SR-16283[F] dated 04/04/2022)

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31.03.2022

PA(08.04.2022) 4P 9C