



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5881 of 2022

M.Jainool Paritha

... Petitioner

/Vs./

1. The Tahsildar,
Melur Taluk Office,
Melur, Madurai District.
2. The Deputy Inspector of Survey,
Melur Taluk Office,
Melur,
Madurai District.
3. The Town Sub Inspector of Survey,
Melur Taluk Office,
Melur, Madurai District.
4. G.Ravi @ Ravichandran
5. K.Kalaimohan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to conduct survey and demarcation of the petitioner's land comprised in S.F.No.403/1 part, Town ward B, block No.19, T.S.No.59 and 60 to an extent of 1270 sq.f. situated at Ward No.23, Nalangadi Street, Melur Municipality, Melur Taluk, Madurai District along with necessary police protection.

For Petitioner	: Mr.V.Muthukamatchi
For R1 to R3	: Mr.T.Amjad Khan
	Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to conduct survey and demarcation of the petitioner's land comprised in S.F.No.403/1 part, Town ward B, block No.19, T.S.No.59 and 60 measuring an extent of 1270 sq.f.



situated at Ward No.23, Nalangadi Street, Melur Municipality, Melur Taluk, Madurai District, based on the petitioner's application, within a time frame to be fixed by this Court.

2.The petitioner claims that she is the absolute owner of the aforementioned property, having got the same under the partition deed dated 27.07.2009 registered as Document No.3882/2009 and patta has also been produced for the subject property. The petitioner has given representations on 02.03.2021, 30.07.2021 and 01.09.2021 requesting the respondents to conduct survey and demarcation of the aforementioned land, which the petitioner claims that is under her absolute ownership. According to the petitioner, the respondents 4 and 5 are disturbing her peaceful possession and enjoyment of the property. In such circumstances, this writ petition has been filed seeking for a direction to conduct survey and demarcation of the boundaries.

3.Heard Mr.V.Muthukamatchi, learned Counsel for the writ petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the official respondents.

4.According to the learned Government Advocate appearing on behalf of the official respondents, the private respondents are in occupation of the shops constructed in the subject property. The same is disputed by the learned counsel appearing for the petitioner and he would submit that the building was constructed by the petitioner in the year 2012 at her own costs. The said statement is recorded.

5.The petitioner has filed documents along with this writ petition, which includes the partition deed as well as the patta standing in the petitioner's name for the subject property. She has also contended that due to some third parties obstructing her peaceful possession and enjoyment of the property, survey and demarcation of the boundaries has to be done.

6.No prejudice would be caused to the official respondents, if the survey and demarcation of the boundaries is done in the presence of the petitioner, the private respondents and any other necessary party, whom the official respondents deem fit to put on notice.

7.Accordingly, this Court directs the first respondent to conduct survey and demarcation of the land comprised in S.F.No.403/1 part, Town ward B, block No.19, T.S.No.59 and 60 measuring an extent of 1270 sq.ft. situated at Ward No.23, Nalangadi Street, Melur Municipality, Melur Taluk, Madurai District, in the presence of the petitioner, the private respondents and any other necessary party, whom the first respondent deems fit to put on notice.



8. Incase the first respondent requires any police assistance, he shall request the same to the Inspector of Police, Melur Town Police Station, Melur and on receipt of the said request, the Inspector of Police, Melur Town Police Station, Melur, shall grant police assistance to the first respondent, while conducting survey and demarcation of the boundaries as observed supra. The aforesaid exercise shall be completed by the first respondent with the assistance of the second and third respondents, within a period of twelve [12] weeks from the date of receipt of a copy of this order. However, the petitioner is directed to pay all the necessary charges to the official respondents, incase the petitioner seeks for videography of the survey and demarcation.

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

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

1. The Tahsildar,
Melur Taluk Office,
Melur,
Madurai District.
2. The Deputy Inspector of Survey,
Melur Taluk Office,
Melur,
Madurai District.
3. The Town Sub Inspector of Survey,
Melur Taluk Office,
Melur,
Madurai District.
4. The Inspector of Police,
Melur Police Station,
Melur,
Madurai District.



+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-15782[F] dated 31/03/2022)

+1 CC to M/s.SPL GP (SR-16054[F] dated 01/04/2022)

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order made in
W.P. [MD]No.5881 of 2022
Dated:
31.03.2022

PA(08.04.2022) 4P 7C