



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD).No.8569 of 2022

K.Perumalsamy

... Petitioner

Vs.

1.The Tahsildar,
Madurai North Taluk,
Collectorate Campus, Madurai-20.

2.The Head Surveyor,
Madurai North Taluk,
Collectorate Campus, Madurai-20.

3.K.Rathinasobana

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to conduct survey of land in RS.No.52/1 and demarcate the same as per the proceedings of the Block Development Officer, Madurai West Union dated 16.12.2021 with adequate police protection within the time frame stipulated by this Court.

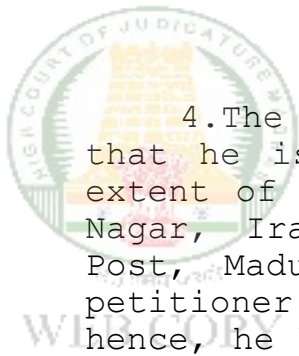
For Petitioner : Mr.G.Mohankumar
For R-1 and R-2 : Mr.B.Saravanan,
Additional Government Pleader.

ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the second respondent to conduct survey of the land in RS.No.52/1 and demarcate the same as per the proceedings of the Block Development Officer, Madurai West Union dated 16.12.2021 with adequate police protection within a time frame to be fixed by this Court.

2.The petitioner and the general public has submitted a representation to the Block Development Officer on 07.12.2021 requesting to take action against the third respondent for preventing access to the public pathway in RS.No.52/1 by putting up construction. Based on the said representation and based on the letter of the Panchayat Board President dated 15.12.2021, the Block Development Officer requested the first respondent for survey and demarcation of boundaries in respect of RS.No.52/1 vide proceedings dated 16.12.2021.

3.Heard Mr.G.Mohankumar, learned counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the first and second respondents.



4.The petitioner has produced documents in support of his case that he is the owner of the property in RS.No.72/4 measuring an extent of 1024 square feet with house building situated at Maruthi Nagar, Iraniam Village, Sembiyananthal Vilakku (West), Arumbanur Post, Madurai District. There is a pathway dispute between the petitioner and the third respondent with regard to RS.No.52/1 and hence, he has sought for a survey and fixation of boundaries by the appointment of a Surveyor based on the proceedings of the Block Development Officer, Madurai West Union dated 16.12.2021.

5.No prejudice would be caused to the respondents, if the survey and demarcation of the boundaries is done in the presence of the petitioner as well as the third respondent and any other necessary party, whom the first respondent deems fit to put on notice at the time of survey.

6.Accordingly, this Court directs the first respondent with the assistance of the second respondent to survey and fix the boundaries in the land in RS.No.52/1 situated at Visveswara Nagar, Iraniam Village, Sembiyananthal Vilakku (West), Arumbanur Post, Madurai District, after giving notice to the petitioner as well as the third respondent and any other necessary party, whom the first respondent deems fit to put on notice at the time of survey, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Tahsildar,
Madurai North Taluk,
Collectorate Campus, Madurai-20.

2.The Head Surveyor,
Madurai North Taluk,
Collectorate Campus, Madurai-20.

+1 CC to M/s.G.MOHAN KUMAR, Advocate (SR-23117[F] dated 02/05/2022)
+1 CC to M/s.SPL.GP (SR-23204[F] dated 02/05/2022)

W.P. (MD) .No.8569 of 2022
28.04.2022

RS (25.05.2022) 2P-5C

<https://hcservices.ecourts.gov.in/hcservices/>