



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)Nos.12886 and 16973 of 2021
and
W.M.P. (MD)No.9965 of 2021

W.P. (MD)No.12886 of 2021:-

Kalyana Sundaram ... Petitioner

vs.

1.The District Collector,
Ramanathapuram.

2.The Tahsildar,
R.S.Mangalam Taluk Office, R.S.Mangalam,
Ramanathapuram.

3.The Superintendent of Police,
Ramanathapuram.

4.The Inspector of Police,
Thiruvadanai Police Station,
Thiruvadanai.

5.Naganathan

6.Durai Murugan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to forebear the respondents No.1 to 4 from entering and measuring the land belonging to the petitioner in S.F.No.2/2 situated at Melakaikudi village, Cuudalore group, R.S.Mangalam Taluk, Ramanathapuram District against the judgment and decree in O.S.No.67 of 2015 on the file of District Munsif Court, Thiruvadanai.

For Petitioner :Mr.J.Madhu

For R1 to R4 :Mr.B.Saravanan
Additional Government Pleader



For R6

:No Appearance

W.P. (MD)No.16973 of 2021:-

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S.Naganathan

... Petitioner

vs.

1.The Tahsildar,
Rajasingamangalam Taluk,
Rajasingamangalam Taluk,
Ramanathapuram District.

2.The Head Surveyor,
Rajasingamangalam Taluk,
Rajasingamangalam Taluk,
Ramanathapuram District.

3.Kalyana Sundaram

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to survey the petitioner's land measuring 2 Acres 25 Cents, under Survey No.1/1B situated at Kaikudi Village, Koodalur Group, Rajasingamangalam Taluk, Ramanathapuram District and to demarcate the four boundaries as per the FMB Sketch by considering the petitioner's application dated 26.07.2021 within the time fixed by this Court.

For Petitioner :Mr.K.R.Laxman

For R1 and R2 :Mr.B.Saravanan
Additional Government Pleader

For R3 :Mr.J.Madhu

C O M M O N O R D E R

W.P. (MD)No.12886 of 2021 has been filed for a Mandamus seeking to forbear the respondents No.1 to 4 from entering and measuring the land belonging to the petitioner in S.F.No.2/2 situated at Melakaikudi village, Cuudalore group, R.S.Mangalam Taluk, Ramanathapuram District against the judgment and decree in O.S.No.67 of 2015 on the file of District Munsif Court, Thiruvadanai.



2.W.P.(MD)No.16973 of 2021 has been filed seeking for a direction to the respondents 1 and 2 to survey the petitioner's land measuring 2 Acres 25 Cents, under Survey No.1/1B situated at Kaikudi Village, Koodalur Group, Rajasingamangalam Taluk, Ramanathapuram District and to demarcate the four boundaries as per the FMB Sketch by considering the petitioner's application dated 26.07.2021 within a time frame to be fixed by this Court.

W.P. (MD)No.16973 of 2021:-

3.The learned Counsel for the third respondent submits that the third respondent is the owner of the land in S.F.No.2/2B situated at Melakaikudi village, Cuudalore group, R.S.Mangalam Taluk, Ramanathapuram District, and submits that unless and until both the petitioner's property as well as the third respondent's property are surveyed and boundaries are demarcated, the relief sought by the petitioner cannot be granted.

4.After hearing the submission of the learned Counsel for the third respondent, the learned Counsel for the petitioner, on instructions, submits that the petitioner is also agreeable for the submission made by the learned Counsel for the third respondent. The same is recorded.

5.Therefore, by consent of both parties, the following directions are issued by this Court:

5.1.The second respondent is directed to survey and demarcate the boundaries of the petitioner as well as the third respondent pertaining to their respective properties, namely, S.No.1/1B owned by the petitioner and S.No.2/2B owned by the third respondent together and based on the survey and demarcation of boundaries, the first respondent is directed to survey and demarcate the boundaries within a period of twelve weeks from the date of receipt of a copy of this order. It is made clear that before conducting survey, the second respondent shall give prior notice to the petitioner as well as the third respondent. It is also made clear that undertaking has also been given through the learned Counsel for the petitioner as well as the learned Counsel for the third respondent that while conducting survey, the petitioner or the third respondent shall not cause any inconvenience to the second respondent or shall not interfere with the survey.

6.With the above observation, W.P.(MD)No.18673 of 2021 is disposed of. No costs.



W.P. (MD) No.12886 of 2021:-

7. In view of the order passed by this Court in W.P.(MD) No.16973 of 2021, no further orders are required in this Writ Petition. Accordingly, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

To

1. The District Collector, Ramanathapuram.
2. The Tahsildar,
R.S.Mangalam Taluk Office, R.S.Mangalam,
Ramanathapuram.
3. The Superintendent of Police, Ramanathapuram.
4. The Inspector of Police,
Thiruvadanai Police Station,
Thiruvadanai.
5. The Head Surveyor,
Rajasingamangalam Taluk,
Rajasingamangalam Taluk,
Ramanathapuram District.

Copy To:

The District Munsif, Thiruvadanai.

+2cc to Mr.K.R.LAXMAN, Advocate Sr.No.8626, 8627

+1cc to M/s.J.MADHU, Advocate Sr.No.8846

+2cc to SPECIAL GOVERNMENT PLEADER, Sr.No.8370,8390

Order made in
W.P. (MD) Nos.12886 and 16973 of 2021
23.02.2022

SA(05.03.2022) 4P 12C