



W.P(MD)No.13826 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13826 of 2022

Parvathi

... Petitioner

Vs.

1.The Tahsildar,
V.K.Pudur,
Tenkasi District.

2.The Taluk Surveyor,
V.K.Pudur,
Tenkasi District.

3.The Inspector of Police,
Uthumalai Police Station,
Tenkasi District.

4.Karuppasamy @ Azhagu Durai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to survey the land in S.No.146/5B1 (to an extent of 25 cents) and in S.No. 146/6C (to an extent of 1.85 Acres and 4 3/4 cents) which is situated at Balapathiramapuram Village, Amudhapuram, Tenkasi District, with the help of 3rd respondent on the basis of the petitioner's representation dated 09.05.2022.



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For Petitioner : Mr.R.Chandrasubramanian
For R1 to R3 : Mr.K.Balasubramani
Special Government Pleader
For R4 : no appearance

ORDER

The petitioner has applied to the jurisdictional authority for conducting survey of the petition mentioned lands and for demarcation of the boundaries. Since the authority had not acted upon the petitioner's request, this writ petition came to be filed.

2. The Writ Petition is disposed of with the following directions:-

(I) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.

(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only



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after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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