



W.P(MD)No.16529 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16529 of 2022

Chellathai

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District, Tenkasi.

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

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

4.The Inspector of Police,
Surandai Police Station,
Tenkasi District.

5.Azhakappasamy

6.Ganapathy

7.Madasamy

8.Kottaithurai

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 3rd Respondent



W.P(MD)No.16529 of 2022

to survey the Punja land situated in S.No.546/3 to an extent of 2.52.5 hectares, 6.24 Acre of undivided 1/7 shares of 89 cents which is registered at Uthumalai sub-register office, Tenkasi District vide document No. 2222/2015 with the help of 4th respondent on the basis of the petitioner's representation dated 07.07.2022.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R4.
Mrs.Porkodi Karnan,
For M/s.Polex Legal Solutions for R5.
No appearance for R7 & R8.

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.



W.P(MD)No.16529 of 2022

(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 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.

26.08.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.16529 of 2022

G.R.SWAMINATHAN, J.

ias

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W.P(MD)No.16529 of 2022

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