



W.P(MD)No.17761 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17761 of 2022

1.Rihana Fathima

2.Sithi Sabeena

... Petitioners

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

3.The Taluk Surveyor,
Nanguneri Taluk,
Tirunelveli District.

... 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 measure the property comprised in Ayan Survey No.567/1 Erwadi Village, Tirunelveli District to an extent of 1890 sq.ft. belongs to the petitioner and demarcate the four boundaries based on the Sale Deeds and Settlement Deeds.



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For Petitioners : Mr.V.Sasi Kumar

For Respondents : Mr.M.Prakash,
Addl. Government Pleader.

ORDER

The petitioners have 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 petitioners' 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 petitioners 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 after a period of six weeks so that the objector can move the concerned



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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.

08.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

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Tirunelveli.
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G.R.SWAMINATHAN, J.

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