



W.P(MD)No.18803 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.18803 of 2022

R.Pandiyammal

... Petitioner

Vs.

1.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

2.The Head Surveyor,
Kariapatti Taluk,
Virudhunagar District.

3.The Sub Inspector of Police,
Aviyur Police Station,
Kariyapatti Taluk,
Virudhunagar District.

4.Muthulakshmi

... 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 1st respondent to measure and demarcate the petitioner's lands in S.F. No.285/30 at K.Alankuam, Melakallankulam Group, Mustakurichi Post, Kariyapatti Taluk, Virudhunagar District measuring about 120 sq.m. in the light of the Filed Map dated 10.05.2011, issued by the 1st respondent with the protection of the 3rd respondent police and consider the petitioner's representation dated 10.06.2022



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made before the 1st and 3rd respondents within the period that may be stipulated by this Court.

For Petitioner : Mr.B.Senthilkumar

For R1 to R3 : Mr.M.Prakash
Additional Government Pleader

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 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.

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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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