



W.A.(MD) No.1132 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.A.(MD) No.1132 of 2022
and C.M.P(MD) No.8968 of 2022**

P.Rajendran

... Appellant

-VS-

1.Yoshuva

2.The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

3.The Surveyor,
Kadaladi,
Ramanathapuram District.

4.The Inspector of Police,
Sayalgudi Police Station,
Ramanathapuram District.

... Respondents



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WEB COPY Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 22.04.2022, passed in W.P.(MD) No.7749 of 2022 on the file of this Court.

For Appellant : Mr.V.S.Kishok Kumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R2 and R3
Mr.T.Senthil Kumar
Additional Public Prosecutor for R4

J U D G M E N T

[Judgment of the Court was made by R.MAHADEVAN, J.]

Alleging that the first respondent / writ petitioner has obtained an order in W.P(MD) No.7749 of 2022 dated 22.04.2022, without impleading the appellant as a necessary party in the Writ proceedings and by suppressing the pending revision before the District Revenue Officer for the mutation of the revenue records, this writ appeal is filed.

2. The said writ petition was filed by the first respondent herein, for a Mandamus, directing the respondents 2 to 4 to measure and fix the four boundaries of his land measuring 4 Acres 84 cents in Survey No. 249/1A3A1 of Mookkayur, Kadaladi Taluk, Ramanathapuram District, based on his



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representation dated 01.03.2022, within a time frame.

3. The learned counsel appearing for the appellant submitted that the appellant and his family members are also the owners of the property in question and the same is under their joint possession and enjoyment. However, the first respondent / writ petitioner obtained the aforesaid order of this Court, without impleading him as a party in the writ petition, for subdivision of the property by metes and bounds.

4. Heard Mr.V.S.Kishok Kumar, learned counsel for the petitioner; Mr.V.Nirmal Kumar, learned Government Advocate appearing for the respondents 2 and 3 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the fourth respondent. There is no representation for the first respondent/writ petitioner.

5. The learned Single Judge, by order dated 22.04.2022, disposed of the said writ petition with the following observations and directions:



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“4.The petitioner has produced documents in support of her case that the aforementioned property is owned by her and her family members. She has sought for a survey and fixation of boundaries by the appointment of a Surveyor and the petitioner has given representation on 01.03.2022 for the said purpose.

5.No prejudice would be caused to the first respondent, if the survey and demarcation of the boundaries is done in the presence of the petitioner and any other necessary party, whom the first respondent deems fit to put on notice at the time of survey.

6.Accordingly, this Court directs the first respondent with the assistance of the second respondent to survey and fix the boundaries in the petitioner's property measuring 4 Acres 84 cents in Survey No. 249/1A3A1 of Mookkayur, Kadaladi Taluk, Ramanathapuram District, after giving notice to the petitioner and any other necessary party, whom the first respondent deems fit to put on notice at the time of survey, within a period of twelve [12] weeks from the date of receipt of a copy of this order. ”

6. On a perusal of the above order, it could be seen that the learned Single Judge has directed the respondents 2 and 3 to survey and fix the boundaries in the subject property only after giving notice to the petitioner and all other parties concerned. Therefore, we do not find any infirmity in the order of the learned Single Judge. If at all the appellant is aggrieved, it is always open to



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him to raise all his objections before the authorities concerned and adduce all the relevant revenue records available with him to substantiate his right over the property in question before conducting the survey.

7. With the above observations, this writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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