



W.P(MD)No.24360

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.24360 of 2022

P.Murugan

... Petitioner

Vs

1.The Commissioner,
Tirunelveli Municipal Corporation,
Tirunelveli.

2.The Town Surveyor,
Tirunelveli Municipal Corporation,
Melapalayam Region,
Tirunelveli.

3.The Deputy Commissioner (West),
Tirunelveli City Police,
Tirunelveli.

4.The Inspector of Police,
Junction Palam Police Station,
Tirunelveli Junction,
Tirunelveli City.

5.Mariappan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to Survey and demarcate the boundary of petitioner's land in Survey Nos.36/6 situated at Karuppandurai Village, Palayamkottai Taluk, Tirunelveli Corporation with the help and police protection of the fourth respondent on the basis of petitioner's application, dated 17.02.2022 and representation dated 01.10.2022.



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For Petitioner	: Mr.T.Selvan
For R1 & R2	: Mrs.K.Christy Theboral Additional Government Pleader
For R3 & R4	: Mr.B.Thanga Aravindh Government Advocate
For R5	: Mr.S.Kumar

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the second respondent to Survey and demarcate the boundary of petitioner's land in Survey Nos.36/6 situated at Karuppandurai Village, Palayamkottai Taluk, Tirunelveli Corporation with the help and police protection of the fourth respondent on the basis of petitioner's application, dated 17.02.2022 and representation dated 01.10.2022.

2.Heard Mr.T.Selvan, learned counsel appearing for the petitioner, Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the respondents 1 & 2, Mr.B.Thanga Aravindh, learned Government Advocate appearing for the respondents 3 & 4 and Mr.S.Kumar, learned counsel appearing for the fifth respondent.

3.The Petitioner's case is that he has purchased the land in survey No.36/6 situated at Karuppandurai Village, Palayamkottai Taluk, Tirunelveli Corporation from one Kombiah vide registered sale deed D.No.3365/2013 dated 27.06.2013. he is in possession and enjoyment of the said land from the date of purchase. His



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enjoyment in the property was disturbed by the adjacent land owner the fifth respondent herein. Therefore, he made an application to survey his land and to demarcate boundary of his property on 18.05.2020. The second respondent sent a notice to him and the fifth respondent stating that he is going to survey the said land on 04.08.2020. But on 04.08.2020, the fifth respondent obstructed the second respondent to survey his land. He submitted an application on 17.02.2022 to survey his land and he paid the necessary charges to survey of his land on 17.02.2022 and on that also, the fifth respondent obstructed the second respondent to survey his land. The fifth respondent objected for survey his land based on his application. Hence, he made an application to give police protection at the time of surveying his land to the third respondent herein on 01.10.2022. The same was forwarded to the fourth respondent herein to take necessary action. But, the fourth respondent has not taken any steps to provide police protection to him to survey his land. It is the bounden duty of the respondents to survey his land after collecting necessary charges, but till date, the respondents has not taken any steps. Hence, the petitioner has approached this Court by way of filing the present writ petition for the above said relief.

4. The learned Additional Government Pleader appearing for the respondents would submit that on 18/05/2022 the petitioner has remitted necessary fee. When the officials went to survey the land, the fifth respondent obstructed the same and hence, they could not measure the property.



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5. The learned counsel appearing for the fifth respondent would submit that the fifth respondent has got land adjacent to the petitioner's land and the petitioner claiming more than that he has purchased and encroached the same.

6. In view of the objection made by the fifth respondent, this Court is not inclined to consider the case of the petitioner as third party interest is there, the same cannot be measured again and again and hence, the petitioner has to approach the competent Civil Court for redressing his grievance.

7. Accordingly, this writ petition is dismissed. No costs.

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V.BHAVANI SUBBAROYAN, J.

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