



W.P.(MD)No.27090 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 01.12.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.27090 of 2022

R.Pullani

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

3.The Taluk Surveyor,
Ramanathapuram Taluk,
Ramanathapuram District.

4.R.Subbiah

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the Thasildar and the Surveyor, the respondents 2 and 3 to survey the petitioner's punja land to the extent of 4 acre 67 cents in S.No.360/1, Patta No.1577 at Erattiyurani Group, Ramanathapuram Talulk and District by the Tahsildar as per Section 9 and 10 of the Tamil Nadu Survey and Boundary Act, 1923 for put up fencing on the basis of the petitioner's representation dated 04.07.2022 within the stipulated period fixed by this Court.

For Petitioner : Mr.R.Rajaraman



W.P.(MD)No.27090 of 2022

For R1 to R3 : Mr.D.Sadiq Raja
Additional Government Pleader

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ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents 2 & 3 to survey the petitioner's punja land to the extent of 4 acre 67 cents in S.No.360/1, Patta No.1577 situated at Erattiyurani Group, Ramanathapuram Taluk and District by the Tahsildar as per Section 9 and 10 of the Tamil Nadu Survey and Boundary Act, 1923 for putting up fencing, on the basis of the petitioner's representation, dated 04.07.2022 within the stipulated period to be fixed by this Court.

2.Heard Mr.R.Rajaraman, learned counsel appearing for the petitioner, Mr.D.Sadiq Raja, learned Additional Government Pleader, who takes notice for the respondents 1 to 3. Considering the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The grievance of the petitioner is that the representation submitted by the petitioner seeking to survey and demarcate the land of the petitioner, has not been considered.



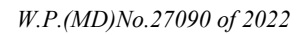
W.P.(MD)No.27090 of 2022

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4. The learned counsel for the petitioner submitted that the petition mentioned property is owned by the petitioner herein. In order to fence his property, he made a representation before the second respondent to survey and demarcate the said property. Based on the same, survey was conducted and boundary stones were also erected. Thereafter, the fourth respondent, who is the adjacent land owner of the petitioner, damaged the boundary stones and fencing put up in the petitioner's land. Hence, he made a complaint before the Police and the same is pending. While that being so, the petitioner made an another application before the second respondent seeking to survey the property. But the same has not been considered. Hence, the petitioner has filed the present writ petition.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that based on the application submitted by the petitioner, survey was conducted as early as on 04.10.2022. The present application cannot be considered by the Official respondents, since there is a civil dispute between the petitioner and the fourth respondent.

6.Admittedly, the survey was conducted by the official respondents on 04.10.2022 and boundary stones were erected. Thereafter, the petitioner



7. With the above observation, this writ petition is dismissed. It is always open to the petitioner to approach the competent civil Court to redress his grievance. There shall be no order as to costs.

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3. The Taluk Surveyor,
Ramanathapuram Taluk,
Ramanathapuram District.



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W.P.(MD)No.27090 of 2022

V.BHAVANI SUBBAROYAN, J.

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