



W.P(MD)No.2860 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2860 of 2022
and
W.M.P(MD)No.2492 of 2022

Wilson Gnanamuthu

... Petitioner

Vs

- 1.The Commissioner,
Madurai City Municipal Corporation,
Madurai.
- 2.The Tahsildar,
Thirupparankundram Taluk,
Madurai District.
- 3.The Town Surveyor,
Thirupparankundram Taluk,
Madurai District.
- 4.The Taluk Deputy Surveyor,
Thirupparankundram Taluk,
Madurai District.
- 5.T.Balakrishnan
- 6.The Inspector of Police,
Anti Land Grabbing Special Cell,
Madurai City.



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7.The Sub Inspector of Police,
Anti Land Grabbing Special Cell,
Madurai City.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from 2 to 4 from surveying the subject property measuring 13 Cents 146 square feet in Survey No. 72/5, Madakulam Village, Palanganatham Hamlet, now in Ramaiah Main Street, Jaihindpuram, Madurai Town without the intervention of the civil court.

For Petitioner : Mr.T.R.Jeyapalam

For Respondents : Mr.K.K.Kannan
Standing Counsel for R.1

Mr.N.Satheeshkumar
Additional Government Pleader
for R.2 to R.4

Mr.P.Ganapathi Subramanian for R.5

Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
for R.6 & R.7

ORDER

Heard the learned counsel on either side.

2.The fifth respondent and the petitioner herein have dispute regarding the extent of their respective properties. The fifth respondent has submitted a petition for conducting survey. The survey authority has also issued notice.



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The petitioner challenges the same and wants this Court to restrain the survey authority from surveying the petition mentioned property. Whenever petitions are filed seeking survey and measurement, I invariably pass an order that at the end of the survey exercise, parties cannot be dispossessed. The object of survey exercise is only to measure and earmark a given property and nothing more. In fact, I direct that police aid cannot be used, for fencing the properties. The rights of the parties are sufficiently protected. All that the fifth respondent wants is only measurement of the property based on parent title deeds.

3.I am of the view that the survey authorities need not be restrained. Survey exercise can very well go on but the cautionary note set out above shall be borne in mind by the official respondents. This exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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