



W.P(MD)No.5122 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5122 of 2021

M.Sathasivam

... Petitioner

Vs.

1.The Tahsildar,
Kariyappatti Taluk,
Virudhunagar District.

2.The Sub Inspector of Police,
Aviyur Police Station,
Kariyappatti Taluk,
Virudhunagar District.

3.Sethuammal

... 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 first respondent to survey and laid boundary stone in respect of the petitioner's half share in S.No. 107/11 to an extent of 0.03.00 ares at Aviyur Village, Kariappatti Taluk, Virudhunagar District by considering the petitioner's application dated 21.12.2020 within a period stipulated by this Court.



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For Petitioner : Mr.K.Elanchezian

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1

: Mr.B.Thanga Aravindh
Government Advocate (Crl.side) for R2

: no appearance for R3

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 petitioner is permitted to submit a fresh application for conducting survey. 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.



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demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid. The Survey Authority will pass order within a period of six weeks after service of notice on the interested persons.

(VII) A copy of the survey report will be served on the parties also.

No costs.

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Index : Yes / No
Internet : Yes/ No
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To

1.The Tahsildar,
Kariyappatti Taluk,
Virudhunagar District.

2.The Sub Inspector of Police,
Aviyur Police Station,
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G.R.SWAMINATHAN, J.

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