



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P.(MD)No.8203 of 2023

and

W.M.P.(MD)No.8302 of 2023

Sri Chellakaliamman Temple,
represented through its Poosari P.Senthil,
Theni District.

... Petitioner

vs.

1.The District Collector,
District Collector Office,
Theni District.

2.The Tahsildar,
Theni Taluk, Theni District,

3.The Head Surveyor,
Theni Taluk, Theni District.

4.The Inspector of Police,
Allinagaram Police Station, Theni District.

5.C.Thangaraj

6.T.Petchiammal

... Respondents

(R5 and R6 are impleaded vide order of this Court, dated 24.04.2023 in
W.M.P.(MD)No.8302 of 2023)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to conduct the survey as per Tamil Nadu Survey and Boundaries Act, 1923 and to fix boundaries in respect of land comprised in Old Survey No.328/1A, New Resurvey No.1499/7, a land extent of 10.61 cents situated at Sukkuvadanpatti, Oonjampatti Village, Theni District and to direct the respondent No.4 to give adequate police protection while demarcation by considering the Writ Petitioner's application, dated 26.12.2022 within a time stipulated by this Court.

For Petitioner	:Ms.S.Gayathri
For R1 to R4	:Mr.N.Muthu Vijayan
	Special Government Pleader

ORDER

W.M.P(MD)No.8302 of 2023 has been filed to implead the respondents 5 and 6, as further respondents in the Writ Petition.

2.In the affidavit filed in support of that petition, it had been stated that the said respondents claim the northern part of the temple land in S.No.328/1A, New R.S.No.1499/7. It is therefore, stated that any order in the Writ Petition should be passed after they are made parties. Hence, this petition stands allowed.



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3.The Registry may carry out necessary amendment implading the respondents 5 and 6 in W.M.P.(MD)No.8302 of 2023 as further respondents in this Writ Petition.

4.The Writ Petition has been filed in the nature of a Mandamus seeking a direction to conduct survey with respect to lands in Old S.No. 328/1A, New R.S.No.1499/7 measuring 10.61 cents at Sukkuvadanpatti, Oonjampatti Village, Theni District.

5.Heard Ms.S.Gayathri, learned Counsel for the petitioner and Mr.N.Muthu Vijayan, learned Special Government Pleader for thte respondents.

6.The respondents, who had been newly impleaded as respondents 5 and 6, claim the northern portion of the land.

7.The learned Special Government Pleader stated that the fourth respondent would give necessary protections for conducting survey of the land.



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8.A direction is given to the second and third respondents to issue notice not only to the petitioner but specifically to the respondents 5 and 6. They may be asked about their objections and their objections may be noted. If, owing to their objections, survey could not be done, then a report may be filed. If survey could be done, then a survey may be conducted by the second and third respondents. However, the fourth respondent may also give protection, but may not interfere during the process of survey when objections are raised by the newly impleaded fifth and sixth respondents. The entire exercise may be completed within a period of eight weeks from the date of receipt of a copy of this order including filing report to the objection received from the fifth and sixth respondents.

9.The Writ Petition stands disposed of. No order as to costs.

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

24.04.2023

cmr

4/6



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To

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Theni District.
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Theni Taluk, Theni District,
3. The Head Surveyor,
Theni Taluk, Theni District.
4. The Inspector of Police,
Allinagaram Police Station, Theni District.



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C.V.KARTHIKEYAN, J.

cmr

Order made in
W.P.(MD)No.8203 of 2023

24.04.2023