



WP (MD) No. 9568 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE B. PUGALENDHI

**WP (MD) No. 9568 of 2023 and
WMP (MD) No. 8524 of 2023**

Lakshmi

... Petitioner

Vs

1. The District Collector,
Theni District.

2. The Tahsildar,
Bodinayakanur,
Theni District.

3. Ingarsal

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 2nd respondent not to undertake the survey in respect of new survey No. 251/2B in Bodimeenatchipuram, Bodi Taluk, Theni District in view of the serious disputes as to the ownership of the property and direct the 2nd respondent to consider the objection of the petitioner dated 11.04.2023.



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For petitioner : Mr.M.Gananagurunathan
For Respondent : Mr.M.Sarangan,
Nos.1 & 2 Additional Government Pleader
For Respondent :Mr.M.S.Jeyakarthick
No.3

ORDER

The petitioner has filed this writ petition for a writ of mandamus directing the 2nd respondent not to undertake survey in respect of the land in S.No.251/2B in Bodimeenatchipuram, Bodi Taluk, Theni District that there is a title dispute.

2.The learned Counsel for the petitioner submits that he has purchased the land in S.No.252/2A, which is adjacent to the land in S.No.251/2B. According to the learned Counsel for the petitioner, the land in S.No.251/2B is classified as Kalam and the petitioner is also having a right to use the Kalam. However, the 3rd respondent claiming to be the neighbour of the petitioner has made an application to survey the land and based on that the Survey Department is taking steps to survey the land, which is classified as Kalam. Therefore, the petitioner has filed this writ petition.



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3.The learned Additional Government Pleader appearing for the official respondents submits that the based on the objection raised by the petitioner, the respondents have initiated enquiry under Section 10(1) of the Tamil Nadu Survey and Boundaries Act, 1923 and issued notice for enquiry on 21.04.2023. However, the petitioner instead of appearing for enquiry, has filed this writ petition.

4.The learned Counsel for the 3rd respondent submits that the 3rd respondent has purchased the land in S.No.251/2B to an extent of 5 cents. Apart from that, he is also having rights to use the Kalam to an extent of 5 cents and therefore, he has filed an application to survey the property.

5.This Court considered the rival submissions and perused the materials placed on record.

6.The petitioner claims that the land in S.No.251/2B is classified as Kalam. However, the 3rd respondent is attempting to survey the land and fix the boundaries, by



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claiming as if it is his patta land and therefore, the petitioner has raised objections for survey.

7.Considering the submission of the learned Additional Government Pleader that already enquiry has been initiated as per Section 10(1) of the Tamil Nadu Survey and Boundaries Act, 1923, this Court directs the petitioner and the 3rd respondent to produce all the necessary documents to the 2nd respondent to substantiate their cases and the 2nd respondent shall conclude the said enquiry and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order after providing opportunity of hearing to all the necessary parties.

8.This writ petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed.

11.07.2023

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To

1.The District Collector,
Theni District.

2.The Tahsildar,
Bodinayakanur,
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B. PUGALENDHI, J.

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