



W.P.(MD)No.20167 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 18.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20167 of 2023

Jamunadevi

... Petitioner

versus

1. The Tahsildar,
Madurai West Taluk,
Madurai District.

2. The Taluk Surveyor,
Madurai West Taluk,
Madurai District.

3. The Inspector of Police,
Nagamalai Pudukkottai Police Station,
Madurai District.

4. Karunanithi

5. Malaichamy

6. Sathyendran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,



W.P.(MD)No.20167 of 2023

seeking for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to survey and demarcate the petitioner's landed property in an extent of 2 Acres, 10 Cents comprised in Survey Nos. 1/2A, 1/4A and 3/2B situated at Thattanoor Village, Madurai West Taluk, Madurai District with the help of the 3rd respondent after giving necessary opportunity to the necessary parties by considering her application dated 06.07.2023.

For Petitioner : Mr.J.Lawrance

For R1 and R2 : Mr.M.Sarangan,
Additional Government Pleader

For R3 : Mr.P.Kottaichamy,
Government Advocate

ORDER

The petitioner has submitted an application dated 06.07.2023 to the respondents 1 and 2 requesting them to survey her lands in Survey Nos.1/2A, 1/4A and 3/2B situated at Thattanoor Village, Madurai West Taluk, Madurai. Since the said application has not been considered,



W.P.(MD)No.20167 of 2023

the present writ petition has been filed.

WEB COPY

2. The learned counsel appearing for the petitioner submits that the petitioner is a widow and she is not having any support. Since the adjacent land owners, namely, respondents 4 to 6, are causing hindrance to the petitioner, she submitted an application to identify her properties and demarcate the boundaries. When the Survey Officers have also visited the property, the respondents 4 to 6 have raised certain objections to survey the land and therefore, they have not conducted survey.

3. Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the first and second respondents, on instructions, submits that based on the petitioner's application, the Survey Officers have visited the place, at that time, the respondents 4 to 6 have raised certain objections and therefore, survey could not be completed.



W.P.(MD)No.20167 of 2023

4. This Court considered the rival submissions and perused the materials available on record.

5. In view of the nature of order to be passed in this case, notice to the respondents 4 to 6 are dispensed with.

6. If the respondents 4 to 6 are having any objection regarding survey of the property, the Survey Officer is expected to conduct survey as per Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923. The Survey Officer has to take a decision after providing an opportunity of hearing to both sides. The aggrieved party is also having an remedy before the Head Surveyor under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923.

7. This writ petition is disposed of with a direction to the first respondent to conduct an enquiry as contemplated under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and take a decision



W.P.(MD)No.20167 of 2023

by providing an opportunity to the petitioner as well as to the respondents 4 to 6 and conclude the proceedings within a period of six weeks from the date of receipt of a copy of this order. No costs.

18.08.2023

ogy

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Tahsildar,
Madurai West Taluk,
Madurai District.
2. The Taluk Surveyor,
Madurai West Taluk,
Madurai District.



WEB COPY



W.P.(MD)No.20167 of 2023

B.PUGALENDHI, J.

ogy

W.P.(MD)No.20167 of 2023

18.08.2023