



W.P.(MD)No.23425 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.23425 of 2023**

E.Alagar

... Petitioner

versus

1. The Tahsildar,  
Vedasanthur Taluk,  
Dindigul District.

2. The Taluk Surveyor,  
Vedasanthur Taluk,  
Dindigul District.

3. The Inspector of Police,  
Vedasanthur Police Station,  
Dindigul District.

4. G.Sarkarai @ Sarkarai Raj

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,  
seeking for the issuance of Writ of Mandamus, to direct the 1<sup>st</sup> and 2<sup>nd</sup>  
respondents to survey the land comprised in Survey No.173/1C at



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Singarakottai Village, Vedasanthur Taluk, Dindigul District and consequently, direct the 3<sup>rd</sup> respondent to give police protection during the survey conducted by the 1<sup>st</sup> respondent by considering the petitioner's representation dated 15.12.2022 within the time frame fixed by this Court.

For Petitioner : Mr.C.Prithviraj

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

For R3 : Mr.P.Kottaichamy,  
Government Advocate (Crl. side)

### **ORDER**

The petitioner with a grievance that the 4<sup>th</sup> respondent has destroyed the boundary stones, has submitted an application on 15.12.2022 before the first respondent, along with the required fee, to conduct re-survey and demarcate his land in Survey No.173/1C situated at Singarakottai Village, Vedasanthur Taluk, Dindigul District. Since there was no action on the said application, the present writ petition has been filed.



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2. Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents 1 and 2, submits that the petitioner's land has already been surveyed and boundary stones have already been fixed on 22.09.2022. Now, the petitioner claims that the boundary stones already fixed by the department officials have been destroyed by the 4<sup>th</sup> respondent.

3. Admittedly, the petitioner's land has been surveyed and boundary stones have also been fixed on 22.09.2022. The petitioner, with an allegation that the boundary stones, which have already been fixed by the Department, has been destroyed by the 4<sup>th</sup> respondent, has now submitted an application before the first respondent/the Tahsildar, Vedasanthur Taluk, Dindigul District, on 15.12.2022, along with the required fee, to conduct re-survey of his land and fix the boundary stones. The said application has not been considered by the first respondent so far. Hence, the petitioner is before this Court.



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4. If any body destroyed the boundary stones, it is the duty of the Department to lodge a complaint as against the concerned person, who has destroyed the boundary stones as per Section 16(b) of the Tamil Nadu Survey and Boundaries Act. On knowing that the petitioner has submitted an application on 15.12.2022 to conduct re-survey of his land alleging that the 4<sup>th</sup> respondent has destroyed the boundary stones, the respondents 1 and 2 have not acted upon the petitioner's application. The respondents 1 and 2 are not justified in keeping the petitioner's application without any progress for the past nine months.

5. Therefore, this writ petition is allowed with a direction to the respondents 1 and 2 to conduct survey and fix the boundary stones on the petitioner's land. The respondents 1 and 2 shall also conduct an enquiry as to whether the 4<sup>th</sup> respondent has destroyed the boundary stones which have already been fixed by the department officials and if it is found that the 4<sup>th</sup> respondent has destroyed the boundary stones,



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the respondents 1 and 2 shall take necessary action and initiate criminal prosecution as against the 4<sup>th</sup> respondent, who has destroyed the boundary stones. Let the exercise be completed within a period of six weeks from the date of receipt of a copy of this order. No costs.

**27.09.2023**

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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**B.PUGALENDHI, J.**

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