



W.P.(MD)No.141 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED **04.01.2024**

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.141 of 2024  
and  
W.M.P.(MD)No.165 of 2024

P.Mariyayee

...Petitioner

/Vs./

1.The Tahsildar,  
Gujiliamparai Taluk Office,  
Gujiliamparai,  
Dindigul District.

2.The Head Surveyor,  
Gujiliamparai Taluk Office,  
Gujiliamparai,  
Dindigul District.

3.The Inspector of Police,  
Gujiliamparai PS,  
Dindigul District.

4.Marutha Pillai

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to consider the objection raised by the petitioner based on the petitioner's representation dated 30.12.2023 sent to the 2<sup>nd</sup> respondent.



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For Petitioner : Mr.S.Arunnithy

For Respondents : Mr.SRA.Ramachandran (R1 & R2)

Additional Government Pleader

Ms.M.Aasha (R3)

Government Advocate

### **ORDER**

This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 and 2 to consider the objection raised by the petitioner dated 30.12.2023.

2. The case of the petitioner is that originally, the great grandfather of the petitioner is the absolute owner of the land in S.No.55/12 and 55/10, Palayam Village, Gujiliamparai Taluk, Dindigul District. The petitioner inherited the property as per their family share and now, she is in possession and enjoyment of the same. The fourth respondent herein, who is the adjacent land owner is trying to encroach upon the petitioner's land. Hence, the petitioner along with other land owners filed a suit in O.S.No.358 of 2023 before the Sub Court, Vendasandur seeking for declaration and permanent injunction. The petitioner already filed a civil suit in O.S.No.64 of 2022 on the file of the Principal District Munsif, Vendasandur seeking for permanent injunction, which is also pending.



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**WEB COPY** 3. The fourth respondent suppressing the aforesaid facts filed a writ petition before this Court in WP(MD)No.26276 of 2023 seeking for survey of the land, which was disposed with certain conditions, one of which is “Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered”. But according to the petitioner, the second respondent has not conducted any enquiry. Instead, he has chosen to issue a notice dated 26.12.2023 for surveying the land on 05.01.2024. The petitioner has sent his objection on 30.12.2023. Since it has not been considered, the present writ petition has been filed with the aforesaid prayer.

4. The learned Additional Government Pleader appearing for the respondents 1 and 2 submits that at the time of enquiry, the objections raised by the petitioner will be considered.

5. Heard learned counsel appearing for the petitioner and the learned Additional Government Pleader and the learned Government Advocate appearing for the respondents.



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6. It is seen from the order dated 02.11.2023 in passed WP(MD)No. 26276 of 2023 that survey shall be conducted only after issuing notice to the petitioner therein as well as the adjacent land owners and also to the interested parties and during enquiry, the objections raised by the adjacent land owners / interested parties shall be considered. In the instant case, enquiry notice has been issued by the surveyor on 26.12.2023 to appear in the Village Administrative Office on 05.01.2024 at 10.30 a.m., for enquiry only. There is no material to show that the survey will be conducted against the petitioner.

7. In view of the above facts and circumstances of the case and considering the submission of the learned Additional Government Pleader, enquiry shall be conducted by the respondents and during enquiry, if the petitioner wants to raise her objections, she shall appear before the authority and raise her objections. The same shall be considered by the respondents and the respondents shall take a decision in this regard and if the objections are overruled, the respondents can proceed with the survey. It is made clear that the survey will be conducted only after a period of four weeks to enable the objectors to move the concerned Court for appropriate orders, if any.



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**WEB COPY** 8. With the above directions, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

**04.01.2024**

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

TO:-

- 1.The Tahsildar,  
Gujiliamparai Taluk Office,  
Gujiliamparai,  
Dindigul District.
- 2.The Head Surveyor,  
Gujiliamparai Taluk Office,  
Gujiliamparai,  
Dindigul District.
- 3.The Inspector of Police,  
Gujiliamparai PS,  
Dindigul District.



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**V.BHAVANI SUBBAROYAN, J.**

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Order made in  
**W.P(MD)No.141 of 2024**

Dated:  
**04.01.2024**