



W.P.(MD).No.1639 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1639 of 2024

S.A.Venancius

... Petitioner

vs.

1.The Tahsildar,
Thisayanvilai Taluk,
Tirunelveli District.

2.The Head Surveyor,
Thisayanvilai Taluk,
Tirunelveli District.

3.The Inspector of Police,
Uvari Police Station,
Uvari,
Tirunelveli District.

4.Mr.A.M.Armstrong

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct survey and fix the four boundaries of the land situated in Survey Nos.740/1 and 740/2 at Kuttam Village, Kootapanai Panchayat, Thisayanvilai Taluk, Tirunelveli District with adequate protection of the respondent No.3 based on the application made by the petitioner dated 21.12.2023 within the time stipulated by this Hon'ble Court.



W.P.(MD).No.1639 of 2024

For Petitioner : Mr.I.Pinaygash
For R1 & R2 : Mr.D.Gandhiraj,
Special Government Pleader
For R-3 : Mrs.M.Aasha,
Government Advocate(Crl. Side)

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2, to conduct survey and fix the four boundaries of the land situated in Survey Nos.740/1 and 740/2 at Kuttam Village, Kootapanai Panchayat, Thisayanvilai Taluk, Tirunelveli District, with adequate protection of the third respondent based on the application made by the petitioner, dated 21.12.2023, within a stipulated period.

2. The case of the petitioner is that he is residing at Door No.7/192, Middle Street, Kuttam Village, Thisaiyanvilai Taluk, Tirunelveli District. The grievance of the petitioner is that there is a dispute between the petitioner and the fourth respondent with regard to usage of common pathway. In this regard, the fourth respondent filed a suit against the petitioner in O.S.No.66 of 2013 on the file of the learned Additional District Munsif, Valliyur, seeking permanent injunction with



W.P.(MD).No.1639 of 2024

WEB COPY

regard to Survey No.740/2. The said suit was dismissed vide judgment and decree, dated 08.02.2017. Thereafter, on 21.12.2023, the petitioner made an application before the respondents 1 and 2, to survey and demarcate the petition mentioned property and he has paid the necessary charges also through E-Challan No.20231221001887. However, no survey was conducted till date. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. Heard the learned counsel for the petitioner, the learned Special Government Pleader appearing for the respondents 1 and 2 and the learned Government Advocate(Crl. Side) appearing for the third respondent.

4. Considering the above facts, this Court, without expressing any opinion on the merits of the matter, directs the respondents 1 and 2 to consider the petitioner's application, dated 10.05.2023 and pass appropriate orders based on the judgment and decree, dated 08.02.2017 passed by the learned Additional District Munsif, Valliyur and all other documents, after providing opportunity to all the parties concerned, on



W.P.(MD).No.1639 of 2024

WEB COPY

merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of.

No costs.

30.01.2024

Index: Yes/No

NCC: Yes/No

PM

To

1. The Tahsildar,
Thisayanvilai Taluk,
Tirunelveli District.
2. The Head Surveyor,
Thisayanvilai Taluk,
Tirunelveli District.
3. The Inspector of Police,
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W.P.(MD).No.1639 of 2024

V.BHAVANI SUBBAROYAN,J.

PM

W.P.(MD)No.1639 of 2024

30.01.2024