



W.P.(MD).No.1683 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.1683 of 2024

V.Perumal

... Petitioner

vs.

1.Tahsildar,
Madurai North Taluk,
Madurai.

2.The Taluk Surveyor,
Madurai North Taluk,
Madurai.

3.Amutha

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to survey Old Natham S.No.61/1 Part, New Natham S.No.61/33, Alathur Village, Madurai North Taluk, Madurai District measuring to an extent of 1290 sq. ft. and fix the boundary by considering the petitioner's application dated 20.10.2023 within the time fixed by this Hon'ble Court.

For Petitioner : Mr.K.K.Udayakumar
For R-1 & R-2 : Mr.P.Thambidurai,
Government Advocate



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ORDER

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This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to survey Old Natham S.No.61/1 Part, New Natham S.No.61/33, Alathur Village, Madurai North Taluk, Madurai District, measuring to an extent of 1290 sq. ft. and fix the boundary, by considering the petitioner's application, dated 20.10.2023, within a stipulated period.

2. The case of the petitioner is that he purchased the property comprised in Old Natham in S.No.61/1 Part, New Natham in S.No.61/33, Alathur Village, Madurai North Taluk, Madurai District from one Palaniammal @ Puliymmal through a registered document, dated 10.10.2008. Subsequently, the petitioner was also issued with Natham Patta.

3. The grievance of the petitioner is that the third respondent is his neighbour and there is a boundary dispute between them. The proceedings under Section 145 Cr.P.C., had also been initiated. Thereafter, on 20.10.2023, the petitioner made an application before the



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respondents 1 and 2, seeking to survey his property. However, no action was taken. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

4. The learned Government Advocate appearing for the respondents, on instructions, would submit that earlier on two occasions, the property of the petitioner had been measured. However, being not satisfied with the said measurement, for third time, the petitioner is seeking to measure his property.

5. The learned Government Advocate would further state that if the petitioner is aggrieved by the survey conducted by the authority concerned, he can avail the appeal remedy available under the Tamil Nadu Survey and Boundaries Act, 1923 and file an appeal before the Head Surveyor concerned.

6. Based on the submissions made, it is seen that the property is measuring to an extent of 1290 sq. ft. If the petitioner is having boundary dispute, he has to go before the civil Court and he cannot ask



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for measuring the property again and again. Further, if the petitioner is not satisfied with the earlier measurement, he has to file an appeal before the Head Surveyor concerned.

7. With the above observations, this writ petition is disposed of.

No Costs.

30.01.2024

Index:Yes/No
NCC:Yes/No
PM

To

1.Tahsildar,
Madurai North Taluk,
Madurai.

2.The Taluk Surveyor,
Madurai North Taluk,
Madurai.



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V.BHAVANI SUBBAROYAN,J.

PM

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