



W.P.(MD) No.5413 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.5413 of 2024

R.Gomathy
represented by her power agent
R.Ramasubramanian

... Petitioner

/vs./

1.The Tahsildar,
Madurai East Taluk,
Madurai.

2.The Inspector of Police,
Y.Othakadai Police Station,
Madurai.

3.M.Kaleeswari

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the 1st respondent to demarcate and fix the boundary of the petitioner property in Survey No.70 to an extent of 27 cents situated at Y.Pudupatti Village, Madurai East Taluk, Madurai District and further direct the 2nd respondent to provide adequate police protection at the time of



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survey within a period stipulated time by this Court.

For Petitioner : Mr.N.Sathish Babu
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for the issue of a Writ of Mandamus to direct the first respondent to survey, demarcate and fix the boundary of the petitioner's property in S.No.70, measuring an extent of 27 cents, at Y.Pudupatti Village, Madurai East Taluk, Madurai District and to direct the second respondent to provide adequate police protection at the time of survey.

2. One Mr.Ramasubramanian is representing the petitioner as her power agent, as the petitioner is now living in New Zealand. The case of the petitioner is that the property in R.S.No.70, measuring an extent of 27 cents, at Y.Pudupatti, Village, Madurai East Taluk, Madurai District, originally belonged to her paternal uncle, R.Raajan Babu, who had executed a gift settlement deed in respect of the aforesaid property in her favour vide Doc.No.68/2019 on the file of the Sub Registrar, Y.Othakadai, Madurai. After that, all the revenue records, like patta, chitta etc were mutated in the name of Gomathi, the petitioner.



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3. The petitioner would further submit that she had executed a deed of special power of attorney dated 19.09.2023 in favour of her father in respect of the aforesaid property. At this stage, the third respondent had constructed a commercial and residential building adjacent to the petitioner's property thereby encroaching the property of the petitioner. Therefore, the petitioner had submitted an application for demarcation and fixation of boundaries of his property to the first respondent, in pursuance of which, the demarcation was conducted and boundary stones were fixed after providing sufficient opportunity to the third respondent and when he tried to fence his property, the third respondent once again damaged part of the fence and broke the boundary stones. Immediately thereafter, the petitioner has filed a police complaint to the second respondent and the third respondent was advised to keep peace and tranquillity and abide the decisions of the Revenue Authorities.

4. Such being the situation, the third respondent has filed a writ petition in W.P.(MD) No.29221 of 2023 for demarcation of her property. This Court by order dated 11.12.2023 directed the Revenue Authorities to conduct the survey and in compliance of the same, the Authorities have conducted the survey confirming the



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earlier survey conducted and when they attempted to fix the four boundary, the third respondent along with others have prevented them to do their work. Therefore, it is the contention of the learned counsel for the petitioner that it is a clear case of contempt of Court, when this Court ordered that the survey be conducted based upon the writ petition filed by the third respondent, the third respondent by obstructing the Officials is clearly committing contempt of the order passed in the writ petition. Therefore, the petitioner has filed W.M.P.(MD) No.4648 of 2024 in W.P.(MD) No.29221 of 2021 directing the respondents therein to survey his land with the help of Advocate Commissioner with adequate police protection and this Court by order dated 04.03.2024 closed the aforesaid writ petition giving liberty to the petitioner to file a fresh writ petition. Hence, the petitioner is before this Court seeking the aforesaid reliefs.

5. Heard the learned counsel on either side.

6. Considering the request of the petitioner and also the fact that there are several litigations before this Court, a Mandamus is issued to the respondents 1 and 2 to conduct survey, demarcate and fix the four boundary on the petitioner's



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property. The petitioner shall submit all the relevant records to show his title to the property and the respondents 1 and 2 shall, after issuing notice to the adjacent land owners and interested parties including the third respondent herein, hold an enquiry and thereafter proceed to pass orders either surveying and demarcating the property or rejecting the request. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order. At the time of conducting survey and other things, police protection shall be provided.

7. The Writ Petition stands allowed with the above directions. No costs.

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

03.10.2024

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To

1.The Tahsildar,
Madurai East Taluk,
Madurai.

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2.The Inspector of Police,
Y.Othakadai Police Station,
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P.T.ASHA, J.

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