



WP(MD)No.20316 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.20316 of 2024

Hari Rajendran .G

... Petitioner

Vs

1.The Tahsildar,
Papanasam Taluk Office,
Papanasam Taluk,
Thanjavur District.

2.The Head Surveyor,
Papanasam Taluk Office,
Papanasam Taluk,
Thanjavur District.

3.The Inspector of Police,
Papanasam Police Station,
Papanasam,
Thanjavur District.

4.S.Krishnamoorthy
5.S.Rajeshwari
6.S.Sivabalan
7.S.Sivagiri
8.S.Bhagirathi

...Respondents



WP(MD)No.20316 of 2024

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents herein to measure and demarcate the petitioner's property with assistance of the 3rd respondent Police with regard to Survey No.339/14 to an extent of 0.03.5 Ares and 339/15 to an extent of 0.03.5 Ares situated at Thiruppalathurai Village, Papanasam Taluk, Thanjavur District based on his representation dated 26.09.2023.

For Petitioner : Mr.G.Gomathisankar,
For R1 & R2 : Mr.P.S.Nedunchezian
Government Advocate
For R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

This writ petition is filed seeking a Mandamus, directing the respondents 1 & 2 to measure, demarcate the petitioner's property with the assistance of the third respondent police, in respect of the land in S.Nos.339/14 and 339/15 situated at Thiruppalathurai Village, Papanasam Taluk, Thanjavur District, by considering his representation, dated 26.09.2023.



WP(MD)No.20316 of 2024

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2.The learned counsel appearing for the petitioner submits that the land in S.No.339/14 to an extent of 0.03.5 Ares and the land in S.No.339/15 to an extent of 0.03.5 Ares are the petitioner's ancestral property, which have been conveyed to this petitioner by way of a partition deed, dated 03.04.1986 in Doc.No. 264/1986. He further submits that patta for this property stands in the petitioner's name. The petitioner has submitted an application for survey and demarcation of the above lands and the same was not considered by the respondents. Therefore, the petitioner is before this Court.

3.Mr.P.S.Nedunchezian, learned Government Advocate takes notice for R1 & R2. Mr.B.Thanga Aravindh, learned Government Advocate (Crl.side) takes notice for the third respondent.

4.Considering the order/directions to be passed/issued in this writ petition, notice to the private respondents is dispensed



5.If any application is received for conducting survey, the surveyor shall cause notice to the adjacent land owners and other stakeholders as required under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923. If there is any objection without any reference, the surveyor shall get police protection from the concerned Police station and shall proceed with the survey. In the event, if there is any reasonable objection, the surveyor can very well reject the request for survey and pass a suitable order, in accordance with law. In such case, the respective party is at liberty to challenge the same, by way of an appeal before the Taluk Surveyor.

6.In view of the above, this writ petition is disposed of with a direction to the first respondent to consider the application of this petitioner in accordance with Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 as stated supra. The entire



WP(MD)No.20316 of 2024

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exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. In the event, if any application is filed seeking police protection, the same shall be considered by the third respondent positively for providing police protection to conduct survey. If the request of the petitioner is rejected, he is at liberty to challenge the same, by way of an appeal before the Taluk Surveyor. No costs.

27.08.2024

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



WP(MD)No.20316 of 2024

To
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WP(MD)No.20316 of 2024

B.PUGALENDHI,J.

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Order made in
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