



W.P(MD)No.24310 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24310 of 2024

Raja

... Petitioner

Vs

1.The Tahsildar,
Office of the Tahsildar,
Madurai North,
Madurai.

2.The Head Surveyor,
Office of the Tahsildar,
Madurai North,
Madurai.

3.The Inspector of Police,
Sellur Police Station,
Madurai City.

4.Muniyandi

...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 survey the land in connection with Town



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Survey No. 15/2, to an extent of 1313 sq.ft situated at Packiyanathapuram, Sellur, Madurai North, Madurai with adequate police protection at the time of Survey the land by considering the Petitioner petition No. 2024/0178/24/000277 dated 02.08.2024.

For Petitioner	: Mr.D.S.Haroon Rasheed,
For R1 & R2	: Mr.D.S.Nedunchezian Government Advocate
For R3	:Mr.K.Gnanasekaran Government Advocate
For R4	:Mr.C.Gangai Amaran

ORDER

The petitioner with a grievance that his application in 2024/0178/24/000277, dated 02.08.2024, for conduct of survey in his property in Survey No. 15/2, Packiyanathapuram, Sellur, Madurai North, Madurai has not been considered by the respondents, has approached this Court.

2.Mr.D.S.Nedunchezian, learned Government Advocate takes notice for the respondents 1&2 and submits that they are intending to conduct the survey in the petitioner's property on 22.10.2024.



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3.Mr.C.Gangai Amaran, learned counsel takes notice for the fourth respondent and submits that R4 is having title over the property and therefore, he has objected for conducting the survey. According to the fourth respondent, the petitioner is attempted to put up fencing, after conducting the survey and if any such fencing is made, then an access to his property would be affected.

4.In reply, the learned counsel for the petitioner submits that the fourth respondent is unnecessarily creating problem and therefore, the petitioner is proposed to put up fencing, before which, he has to survey the lands and therefore, he has submitted an application on 02.08.2024. Apprehending threat from the fourth respondent, he has also submitted an application to the Inspector of Police, Sellur Police Station, seeking police protection for survey.

5.Mr.K.Gnanasekaran, learned Government Advocate takes notice for the third respondent and submits that in the event, if any law and order problem arises and if any request has been made



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by the survey officer, they would provide adequate police protection for conducting the survey.

6.This Court considered the rival submissions made and also perused the materials placed on record.

7.The petitioner has submitted an application on 02.08.2024 for conducting survey of his land. The respondents 1 & 2 have also decided to conduct the survey on 22.10.2024. Even at the time of admission, the fourth respondent has entered appearance without any notice and submitted that he is having an objection for conducting survey that after conducting survey, the petitioner may put up fencing in his land and if he has done so, access to his land would be affected. In fact, the petitioner is having every right to survey his own land and put up fencing in his property and on this, the fourth respondent is not supposed to have any objection.



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8.In view of the above, this writ petition is disposed of with the following directions:

- i. The survey officer shall conduct the survey as decided by them on 22.10.2024.
- ii. If any objection is raised by the fourth respondent, the respondents 1 & 2 shall consider the same and conduct an enquiry as per Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and decide the issue.
- iii. If any law and order problem arises, the third respondent shall provide necessary police protection for survey.

No costs.

17.10.2024

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



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B.PUGALENDHI, J.

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