



W.P.(MD) No.24928 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.24928 of 2024

M.Ahamed Meeran

.. Petitioner

Vs.

1.The Tahsildar,
Peraiyur Taluk,
Madurai District.

2.The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

3.Pethanan

4.P.Thangavelu

5.P.Elayaraja

6.Baluthai

7.M.Kaliappan

8.Subramani

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent to survey and demarcate the petitioner's punja lands in S.No.376/2 to the



W.P.(MD) No.24928 of 2024

extent of 1 Acre and 78 cents and in S.No.377/1 to the extent of 4 Acre and 71 cents (total extent of 3.38.00 Hector) in Thullukutty Naikanoor Village, Peraiyur Taluk, Madurai District with the help of the second respondent by considering the representation of the petitioner dated 24.09.2024.

For Petitioner	:	Mr.R.Gowrishankar
For R1	:	Mr.D.S.Nedunchezian Government Advocate
For R2	:	Mr.K.Gnanasekaran Government Advocate (Crl. Side)

ORDER

Seeking a mandamus to the first respondent to survey and demarcate his punja lands in S.No.376/2 to an extent of 1 Acre and 78 cents and S.No.377/1 to an extent of 4 Acres and 71 cents (total extent of 3.38.00 Hectare) in Thullukutty Naikanoor Village, Peraiyur Taluk, Madurai District, with the help of the second respondent by considering the representation dated 24.09.2024, the petitioner is before this Court.



W.P.(MD) No.24928 of 2024

WEB COPY

2. The case of the petitioner is that the aforesaid lands are the ancestral properties of one Rayappan and after his demise, his daughter inherited the same. The petitioner purchased the said lands by way of registered sale deeds dated 10.06.1987 and 18.12.1998. Patta has also been issued in his name under Patta No.91. The petitioner would submit that from the date of purchase, he has been in possession and enjoyment of the same by paying necessary tax to the Government. The petitioner would submit that respondents 3 to 5 attempted to trespass into his lands in S.No.376/2 on the northern portion and respondents 6 to 8, having well on the south of the land in S.No.376/2, made false claim on the northern side 50 cents of his land. Therefore, the petitioner filed a civil suit in O.S.No.372 of 2009 before the District Munsif Court, Thirumangalam seeking declaration and permanent injunction against the private respondents herein in respect of the petition mentioned survey numbers. Subsequently, the suit in O.S.No.372 of 2009 was transferred to the District Munsif Court, Peraiyur and renumbered as O.S.No.36 of 2014, which was decreed in favour of the petitioner on 20.02.2017 and the decree is still in force.



W.P.(MD) No.24928 of 2024

WEB COPY

3. The petitioner would further submit that since wild pigs are entering into his agricultural lands and causing damages to the crops, he was forced to put iron fencing to his lands. But the private respondents, those who are neighbours, are raising unwanted objection regarding the boundary, despite the decree in favour of the petitioner. Therefore, the petitioner sent a representation dated 24.09.2024 to respondents 1 and 2 requesting to survey and demarcate his lands and also fix boundary stones so as to enable him to fence his lands by remitting necessary fee. But, no fruitful result yielded to date. Therefore, the present writ petition.

4. Heard the learned counsel on either side.

5. Considering the fact that the petitioner has got a decree in his favour and also the fact that he has made his representation on 24.09.2024, a mandamus is issued to the first respondent to conduct survey and subdivision of the petition mentioned property. The



W.P.(MD) No.24928 of 2024

WEB COPY

petitioner shall submit all the relevant records to show his title to the property and the first respondent shall, after issuing notice to the adjacent land owners and interested parties, hold an enquiry and thereafter proceed to pass orders either surveying and subdividing 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 two months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is allowed. No costs.

22.10.2024

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

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To

- 1.The Tahsildar,
Peraiyur Taluk, Madurai District.
- 2.The Inspector of Police,
M.Kallupatti Police Station, Madurai District.



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W.P.(MD) No.24928 of 2024

P.T.ASHA, J.

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W.P.(MD) No.24928 of 2024

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