



W.P.(MD) No.24708 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.24708 of 2024

K.Paneerselvam

.. Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Aundipatti Taluk,
Theni District.

3.The Taluk Surveyor,
Thasildar Office,
Aundipatti Taluk,
Aundipatti, Theni District.

4.The Inspector of Police,
Aundipatti Police Station,
Aundipatti, Theni District.

5.The Sub Inspector of Police,
Kandamanur Vilakku Police Station,
Aundipatti, Theni District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 2 and 3 to measure and demarcate the petitioner's properties in S.No.892/2 measuring 1 acre of property in the above said Survey No.892/2 situated at Shanmugasundarapuram Village, Aundipatti Taluk, Theni District by considering the petitioner's representation dated 04.10.2024 and also direct to give adequate police protection by the respondents 4 and 5 during the survey.

For Petitioner	:	Mr.C.Susikumar
For R1 to R3	:	Mr.B.Saravanan Additional Government Pleader
For R4 & R5	:	Mr.Gnanasekaran Government Advocate

ORDER

The petitioner has filed this writ petition for a mandamus directing respondents 2 and 3 to measure and demarcate his properties measuring an extent of 1 acre in S.No.892/2 situate at Shanmugasundarapuram Village, Aundipatti Taluk, Theni District by considering his representation dated 04.10.2024 and also direct to give adequate police protection by respondents 4 and 5 during the survey.



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2. The case of the petitioner is that on 18.07.2022, he has purchased an extent 80 cents of property in S.No.892/2 of the aforesaid village through registered sale deed from one Baby. In the same survey number, he purchased another 20 cents of property on 31.07.2023 through registered sale deed. Totally, he has 1 acre of property in the abovesaid survey number and from the date of purchase, he is in peaceful possession and enjoyment. While so, in order to find out the four boundaries of his property, the petitioner made an application on 21.09.2024 to respondents 2 and 3. He has also paid requisite fee for surveying the said land. To date, the survey has not taken place. Therefore, the petitioner is before this Court by way of this writ petition.

3. Heard the learned counsel on either side.

4. Considering the request of the petitioner and also the fact that the petitioner has made his representation as early as 21.09.2024, a mandamus is issued to respondents 2 and 3 to conduct survey and



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subdivision of the petition mentioned property. The petitioner shall submit all the relevant records to show his title to the property and respondents 2 and 3 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. When the authorities go for survey and when police protection is asked, the jurisdictional police shall provide the police protection. In the case of a rejection, a speaking order shall be passed. The aforesaid exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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

19.10.2024

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

abr



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P.T.ASHA, J.

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