



W.P.(MD) No.24991 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.24991 of 2024

Dr.Thiyagarajan

.. Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Aundipatti Taluk,
Theni District.

3.The Taluk Surveyor,
Tahsildar 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 respondents 2 and 3 to measure and demarcate the petitioner's properties in S.No.892/2 measuring 1 Acre 60 Cents 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.P.Thambidurai Government Advocate
For R4 & R5	:	Mr.K.Gnanasekaran Government Advocate (Crl. Side)

ORDER

Seeking a mandamus to respondents 2 and 3 to measure and demarcate his properties in S.No.892/2 measuring 1 Acre 60 Cents situate at Shanmugasundarapuram Village, Aundipatti Taluk, Theni District, by considering his representation dated 04.10.2024 and also to respondents 4 and 5 to give adequate police protection, the petitioner is before this Court.



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2. The case of the petitioner is that he has purchased an extent of 80 cents in the aforesaid survey number under a registered sale deed dated 07.09.2022 and an another extent of 80 cents on 29.09.2022. Totally, he is in possession of 1 Acre and 60 Cents and from the date of purchase, he is in peaceful possession and enjoyment. The petitioner would submit that in order to find out the four boundaries of his property, he has made an application on 21.09.2024 to respondents 2 and 3 to survey and demarcate the property. He has also paid requisite charges. But, as on date, no survey is conducted. Therefore, on 04.10.2024, the petitioner sent a detailed representation to respondents 1 to 3 to survey and fix boundaries. But even after the receipt of the same, no steps have been taken. Therefore, the petitioner is before this Court.

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 application as early as on 21.09.2024 followed by a detailed representation on 04.10.2024, a mandamus is



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issued to respondents 2 and 3 to conduct survey and 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 two months from the date of receipt of a copy of this order.

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

22.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr



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P.T.ASHA, J.

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