



WP(MD). No.30020 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 13/12/2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

WP(MD). No.30020 of 2024

Muthumani

... Petitioner

Vs.

1. The Thasildar,
Thirumangalam Taluk,
Thirumangalam,Madurai - 625706..

2. The Taluk Head Surveyor,
Thirumangalam Taluk,
Thirumangalam,Madurai - 625706..

3.The Small Circle Surveyor,
A-Kokkulam,Thirumangalam,
Madurai - 625706..

4. The Village Administrative Officer,
Kunnampatti Village,
Thirumangalam,Madurai - 625706..

5. The Inspector of Police,
Austinpatti Police Station,Madurai District..

6.Kazhuvathevar

... 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 to 4 to conduct survey of the petitioner's land situated at Madurai District, Thirumangalam Taluk, Kunnampatti Village in Survey No.44/18 admeasuring 0.49.00 Hectares with police protection of the 5th respondent herein and demarcate the same by laying stones within a time as this Court may be framed.

1/7



WP(MD). No.30020 of 2024

For Petitioner : Mr.A. Jeyaram
For R1 to R4 : Mr.M.Muthumanikkam
Government Advocate,Civil Side
For R5 : Mr.K.Gnana Sekaran
Government Advocate(Crl.side)

ORDER

This writ petition is filed for issuance of writ of mandamus directing the respondents 1 to 4 to conduct survey of the petitioner's land in Kunnampatti Village, Thirumangalam Taluk, Madurai District, in Survey No.44/18 admeasuring 0.49.00 Hectares with police protection and demarcate the same by laying stones within a stipulated time fixed by this Court.

2. With consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

3. The property in S.No.44/18, measuring 0.49.00 hectares, in Thirumangalam Taluk, Kunnampatti Village, Madurai District belonged to the petitioner's forefathers. The petitioner's father namely, Kurumba Devar acquired the subject property under a partition deed dated 11.10.1996, in Doc.No.1073//1996. The petitioner's father died on 20.06.2022 leaving behind the petitioner, his mother, his sister and a brother as his legal heirs. The petitioner's family was in possession and



WP(MD). No.30020 of 2024

enjoyment of the property without any let or any hindrance by any party.

The sixth respondent, who is running a quarry near the petitioner's land, troubled the petitioner's family. The petitioner decided to survey and to demarcate his lands. For the said purpose, the petitioner filed an application on 18.09.2024 to the first respondent along with requisite fee. On the basis of the petitioner's application, survey was fixed on 14.11.2024, and notice of survey was also issued to the sixth respondent and his wife. On the said date, the third respondent surveyed the petitioner's property and after completion of survey, when the survey stones were being fixed, the sixth respondent and his men prevented the third respondent and therefore, survey stones could not be laid. The petitioner approached the fifth respondent for protection. The petitioner was advised to approach the court to get appropriate orders. Therefore, the petitioner filed the above writ petition for the aforesaid relief.

4. The petitioner filed an application for survey and demarcation of four boundaries of his properties on 15.09.2024, to the first respondent along with requisite fee. In pursuance of the petitioner's representation, survey was also conducted on 14.11.2024. On the objections of the sixth



WP(MD). No.30020 of 2024

respondent, survey stones were not fixed and therefore, the petitioner approached the fifth respondent for police protection and he was advised to approach the court for appropriate orders.

5. The learned Government Advocate appearing for the respondents 1 to 4 submits that the petitioner prayed for survey of his property and demarcation of the boundaries with the help of police protection, but, survey was already conducted on 14.11.2024 and survey report and sketch were already given to the petitioner and the same was acknowledged by him.

6. The learned counsel for the petitioner submits that he is not aggrieved by the survey and he is only aggrieved by the fact that survey stones were not fixed due to the objection of the sixth respondent. The learned counsel for the petitioner submits that the official respondents may be directed to fix the stones with the help of police protection within the time fixed by this Court.

7. I have given my anxious consideration to the submissions made



WP(MD). No.30020 of 2024

on either side and perused the materials available on record.

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8. On considering the fact that survey was conducted and only survey stones were not fixed due to the objection raised by the sixth respondent, I am inclined to issue a direction. Accordingly, the third respondent is directed to fix the stones in Survey No.44/18 admeasuring 0.49.00 Hectares in Kunnampatti Village, Thirumangalam Taluk, Madurai District, as per the survey conducted on 14.11.2024 with the aid of the fifth respondent within a period of four weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

13.12.2024

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

TO,

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Thirumangalam Taluk,

5/7



WP(MD). No.30020 of 2024

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WP(MD). No.30020 of 2024

N.MALA,J

CM

**ORDER
IN
WP(MD) No.30020 of 2024**

Date : 13/12/2024