



W.P.No.1706 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.1706 of 2025

Anbudurai

...Petitioner

Vs

- 1.The Tahsildar
Kallakurichi Taluk, Kallakurichi Distict.
- 2.The Head Surveyor,
Survey Department, Kallakurichi Taluk,
Kallakurichi District.
- 3.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
- 4.Raja
- 5.Vedivel

6.Savithri

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the Respondents particularly the 2nd Respondent to survey and demarcate the boundaries of the Petitioner's property situated in Survey No.391/8, measuring 0.01.55 hectares located at Emapper Village, Kallakurichi Taluk,



W.P.No.1706 of 2025

Kallakurichi district, as per the settlement deed dated 20.03.2024 executed by petitioner's father Muthusamy Chettiyar vide Document No.721/2024 within a reasonable time frame and grant police protection in order to carry out the survey and demarcating the subject property.

For Petitioner : Mr.D.Murugan

For Respondents : Mr.A.Selvendran
Special Government Pleader
(For R1 & R2)
Mr.R.Vinoth Raja For R3
Government Advocate (Crl side)

ORDER

Challenging the refusal to survey the petition mentioned property, the petitioner is before this Court.

2.It is the contention of the petitioner that he is the rightful owner of the property situated in S.No.391/8, measuring 0.01.55 hectares, in Emapper Village, Kallakurichi Taluk, Kallakurichi district, acquired through a settlement deed from his father Muthusamy Chettiyar. It is further submitted that respondents 3 to 5 had been causing trouble to the petitioner without any lawful ownership in the said property. Thereafter, petitioner made application No.2024/N123/33/003707 requesting to survey the said property and the same was registered on 04.10.2024. Consequently, survey notice dated 23.10.2024 was issued directing all

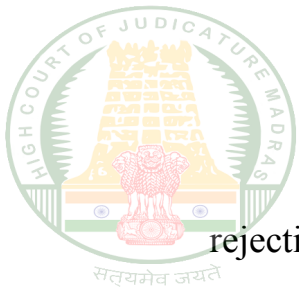


W.P.No.1706 of 2025

parties to attend the survey. However, the survey has not been conducted to date. Thereafter, petitioner submitted another application to 2nd respondent dated 14.11.2024. Once again respondents had failed to conduct the survey. Therefore, the petitioner is before this Court.

3. Heard the learned counsels on the either side and perused the records.

4. Considering the facts and circumstances of the case, the writ petition is allowed and a Mandamus is issued to the first respondent to consider the application of the petitioner dated 14.11.2024 and conduct a survey of the said property. The petitioner shall submit all the relevant records to show his title to the said property and the first respondent shall, after issuing notice to respondents 4 to 6 and other interested parties, hold an enquiry and thereafter pass orders either surveying and subdividing the property or rejecting the request. If there is any disturbance while conducting the survey, the first respondent may approach the second respondent for necessary police protection. The aforesaid exercise shall be completed within a period of 8 weeks from the date of receipt of a copy of this order. It is made clear that in the case of



W.P.No.1706 of 2025

rejection, a speaking order shall be passed by the first respondent. No

WEB COPY costs.

5. With the above directions, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

30.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep



WEB COPY



W.P.No.1706 of 2025

P.T.ASHA, J,

ep

To

- 1.The Tahsildar
Kallakurichi Taluk, Kallakurichi Distict.
- 2.The Head Surveyor,
Survey Department, Kallakurichi Taluk,
Kallakurichi District.
- 3.The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.

W.P.No.1706 of 2025

30.01.2025