



W.P.(MD) No.3250 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3250 of 2025

Sureshkumar

... Petitioner

VS.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Kallikudi Taluk,
Madurai District.

3.The Assistant Director of Survey,
Madurai District,
Collectorate Complex,
Madurai-20.

4.The Inspector of Police,
Kallikudi Police Station,
Madurai District.

5.Tamil Selvi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 to 3 to survey the



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petitioner's property and fix boundary stones in connection with properties in S.No.5/5A to an extent of 2 ½ cents of Kuraiyur Village, Kallikudi Taluk, Madurai District, under the supervision of the fourth respondent for surveying the land, on the basis of the petitioner's representation dated 06.12.2024, within a time frame to be stipulated by this Court.

For Petitioner : Mr.R.Aravindan

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 to R3

Mr.Vaikkam Karunanithi
Government Advocate (Crl. side) for R4

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents 1 to 3 to survey the petitioner's land and fix the boundary stones under the supervision of the fourth respondent police officials.

2.Considering the limited scope of the prayer sought for in the writ petition, the writ petition itself is taken up for final disposal.



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3.The petitioner has given a representation dated 06.12.2024 for conducting a survey and fixing boundary stones. The said representation is sought to be disposed of.

4.The learned Additional Government Pleader appearing for the official respondents 1 to 3 would submit that the patta is a joint patta and the other pattadhar by name, R.Tamil Selvi, the fifth respondent herein, has moved this Court in W.P(MD)No.7754 of 2024 and by order dated 26.03.2024, this Court directed the said writ petitioner to pay necessary charges for police protection to enable the said petitioner therein to fence the property being patta land allegedly belonging to the said petitioner in the writ petition. According to the learned Additional Government Pleader, the respondents 1 to 3 had fixed an enquiry on 29.01.2025. However, due to non-cooperation of the petitioner, survey could not be conducted.

5.The learned counsel for the petitioner would submit that the petitioner is willing to participate and co-operate with the officials for conducting survey.



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However, he would only request for the assistance of the police officials at the time of survey for avoiding any breach of peace and the law and order situation.

6.In view of the submissions made on either side, I am inclined to entertain the writ petition. Accordingly, the writ petition is allowed. The respondents 2 and 3 shall fix a date for conducting the survey of the petitioner's land and shall also put the fifth respondent on notice about the same. The survey shall be conducted in the presence of the police officials and final orders shall be passed in the presence of the petitioner and the fifth respondent. The respondents 2 and 3 shall, with the assistance of the police officials, conduct survey and demarcate the properties, if it is permissible in the light of the submissions of the learned Additional Government Pleader that the patta as a joint patta. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

04.02.2025

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

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P.B.BALAJI, J.

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