



W.P.(MD) No.3840 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3840 of 2025

Sathik Ali

... Petitioner

VS.

1.The Thasildar,
Tahsildar Office,
Uthamapalayam Taluk,
Theni District.

2.Jothibas

3.Loganathan

4.Sureshbabu

5.Ashok

6.Manoj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to survey and demarcate the land which is located in SF.No.961/2 and SF.No.985/2B situated at Cumbum Village, Uthamapalayam Taluk, Theni District with the protection of the jurisdictional police if necessary in consonance with Section 10(1) of the Tamil Nadu Survey and Boundaries Act, 1923 based on the petitioner's application No. 2025/0123/25/003369, dated 01.01.2025 and by considering his representation dated 10.01.2025 which was given in person, within the time frame fixed by this Court.

For Petitioner : Mr.V.Ganesh

For Respondents : Mrs.K.Malathi

Additional Government Pleader for R1



W.P.(MD) No.3840 of 2025

ORDER

WEB COPY

The petitioner seeks issuance of a Writ of Mandamus to direct the first respondent to conduct a survey and demarcate the lands in SF.Nos.961/2 and 985/2B at Cumbum Village, Uthamapalayam Taluk, Theni District, with the protection of the jurisdictional police authorities. The petitioner has made an application for survey on 01.01.2025 and has also followed it up with representation on 10.01.2025.

2.The grievance of the petitioner is that the first respondent has not proceeded to survey the petitioner's lands, despite the application and the reminder.

3.The learned Additional Government Pleader appearing for the first respondent would submit that the respondents 2 to 6 are obstructing the survey to be conducted and hence, she would pray for suitable orders being passed in the writ petition, including the first respondent to seek the aid of the police authorities at the time of conducting the survey.

4.Considering the limited scope of the relief sought for in the writ petition, with the consent of the learned counsel on either side, the writ petition itself is taken up for final disposal.



W.P.(MD) No.3840 of 2025

5.The petitioner seeks survey of lands in SF.Nos.961/2 and 985/2B. It is seen from the suit filed in O.S.No.5 of 2025 that the dispute is only with regard to S.No.665/2A and not related to the subject SF.Nos.961/2 and 985/2B. In such circumstances, the pendency of the civil suit cannot be cited for non-survey of the petitioner's lands in pursuance of his application, dated 01.01.2025.

6.In view of the above, there shall be a direction to the first respondent to conduct a survey based on the petitioner's application dated 01.01.2025 after putting on notice to the respondents 2 to 6 about the proposed survey. It shall be open to the first respondent to seek police protection in the event of apprehension of breach of peace or law and order. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

13.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

The Thasildar,
Tahsildar Office,
Uthamapalayam Taluk,
Theni District.



WEB COPY



W.P.(MD) No.3840 of 2025

P.B.BALAJI, J.

sjj

W.P.(MD) No.3840 of 2025

13.02.2025