



W.P.(MD)No.4095 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.4095 of 2025

Kuttiyammal

.... Petitioner

/Vs./

1.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

2.The Head Surveyor,
Ettayapuram Taluk,
Thoothukudi District.

3.The Inspector of Police,
Ettayapuram Police Station,
Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 & 2 to conduct survey and put up survey stones in S.No.135/1 of Valampatti Village, Ettayapuram Taluk, Thoothukudi District with appropriate Police Protection within the time stipulated by this Court.



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For Petitioner : Mr.A.S.Abul Kalaam Azad
For R1 & R2 : Mrs.K.Malathi
Additional Government Pleader
For R3 : Mr.S.Prakash
Government Advocate (Crl.side)

ORDER

Considering the limited scope of the relief sought for by the writ petitioner, with the consent of the parties, the writ petition itself is taken up for final disposal at the admission stage.

2. I have heard the learned counsel appearing for the petitioner and the respondents.

3. The case of the petitioner is that she made an application for survey on 06.09.2024 and the survey has not been conducted for the past several months citing an objection of the neighbouring owner, who have no right or interest over the petitioner's property.

4. The learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that the neighbouring property



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owner is carrying on cultivation in the adjoining lands and as soon as the present crops is harvested, the survey would be conducted. He would further submit that the neighbouring property owner has also given no objection for the survey. Additionally, the learned Additional Government Pleader also stated that in 2023, a similar request for survey was made by the writ petitioner and in terms of the said application, the petitioner's property has already been surveyed and this is the second application filed by the petitioner.

5. From the affidavit, I am unable to see that the petitioner has disclosed the details about the earlier survey. Be that as it may, the present application made by the writ petitioner for survey was on 06.09.2024 and even according to the official respondents, they are willing to conduct the survey based on the said application. The only contention of the learned Additional Government Pleader is that in view of the crop cultivation in the neighbouring lands, it would be inconvenient to conduct the survey and the survey would be conducted immediately after the crops are harvested. I am unable to accept the said contention of the Additional Government Pleader. Cultivation by a



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neighbouring property owner cannot be an excuse for surveying the petitioner's property, especially when the said neighbour himself has given consent.

6. In view of the above submissions, the respondents 1 & 2 shall conduct the survey based on the petitioner's application dated 06.09.2024 in accordance with law. In the event of the respondents 1 & 2 requiring any police protection at the time of survey, it shall be open to the respondents 1 & 2 to make an official request to the third respondent, who shall immediately act upon the same and give sufficient protection for the survey to be smoothly conducted. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition is disposed of.

No costs.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

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