



W.P.(MD)No.4595 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.4595 of 2025

T.Kunjaram

: Petitioner

Vs.

1.The District Collector,

Office of the District Collector,

Thoothukudi District.

2.The Revenue Divisional Officer,

Office of the Revenue Divisional Office,

Thoothukudi District.

3.The Tahsildar,

Srivaikundam Taluk,

Thoothukudi District.

4.The Head Surveyor,

Srivaikundam Taluk,

Thoothukudi District.

5.Madasamy

: Respondents



W.P.(MD)No.4595 of 2025

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, directing the respondents to measure the petitioner's property by marking four boundaries as expeditiously as possible based on the petitioner's representation dated 23.01.2025.

For Petitioner : Mr.J.Joseph Zinoson
For Respondents 1 to 4 : Mr.B.Saravanan,
Additional Government Pleader
For Respondent No.5 : No appearance

ORDER

The petitioner is a senior citizen aged 90 years. The petitioner intended to construct a toilet in her property forming part of Door No.4/25, comprised in S.No.1021/22, Vadakukaraseri Village, Srivaikundam Taluk, Thoothukudi District, covered by Natham Patta No.348. The petitioner was not able to construct the toilet because of the objections of the fifth respondent. Hence, the petitioner sought for survey to be conducted and made an application on 19.02.2024.

2.The grievance of the petitioner is that despite her application and reminder on 23.01.2025, the respondents have not



W.P.(MD)No.4595 of 2025

come forward to mark four boundaries of her property to enable her to take up the construction of toilet.

3.I have heard the learned Counsel for the petitioner and Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 4.

4.Learned Additional Government Pleader, on instructions would submit that the fifth respondent is in physical possession of a portion of the subject property and hence, the respondents have only conducted survey and have not been able to fix boundaries. The fifth respondent has been served with notice but he has not chosen to enter appearance.

5.Considering the facts and circumstances narrated above, I deem it fit to dispose of the Writ Petition in the following manner:

“The respondents 3 and 4 shall fix the four boundary stones based on the survey already conducted in the presence of the petitioner and the fifth respondent. It is made clear that under the guise of four boundaries being fixed, there shall be no dispossession of the fifth respondent, if the fifth respondent is found to be in possession and in such event, it shall be open to the



W.P.(MD)No.4595 of 2025

WEB COPY

petitioner to take recourse to due process of law for recovery of possession. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order”.

6.The petitioner being a very aged lady apprehends that the fifth respondent may take advantage of her advanced age and cause trouble. It is made clear that if the survey authorities require the assistance of the police, they can make a request to the jurisdictional police station to ensure availability of sufficient police force to prevent breach of peace at the time of survey.

7.Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

07.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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W.P.(MD)No.4595 of 2025

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W.P.(MD)No.4595 of 2025

P.B.BALAJI., J.

MR

W.P.(MD)No.4595 of 2025

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