



W.P.(MD) No.5120 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.5120 of 2025

Amirthalakshmi

... Petitioner

VS.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

3.The Surveyor,
Taluk Office,
Ramanathapuram Taluk,
Ramanathapuram District.

4.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to survey the petitioner's properties and fix boundary stones in respect of S.No.313/4 to an extent of 1091



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sq.ft. situated at Ward No.12, Ramanathapuram Town Ramanathapuram District, under the supervision of the fourth respondent for surveying the land, based on the petitioner's representation dated 28.01.2025 within a time frame to be stipulated by this Court.

For Petitioner : Mr.M.Sridharan

For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R3

Mr.S.Prakash
Government Advocate (Crl. side) for R4

ORDER

The petitioner has filed the present writ petition seeking issuance of a Writ of Mandamus to direct the respondents to conduct a survey and fix the boundary stones in respect of the petitioner's property comprised in S.No.313/4 to an extent of 1091 sq.ft., under the supervision of the fourth respondent, based on the petitioner's representation dated 28.01.2025.

2.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 is taken up for final disposal at the stage of admission itself.



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3.The petitioner claims under the registered partition deed dated 07.09.1998 in Document No.288/1998. In order to identify the lands which fell to the share of the petitioner and to transfer patta in the petitioner's mother's name, the petitioner has made a request for survey. However, the adjoining land owner, one, Mr.Kumar has objected and despite attempts to survey being made by the authorities, the survey could not be conducted. The petitioner is claiming survey based on the registered instrument in her name and therefore, the respondents cannot deny the survey to be conducted pursuant to a legitimate application made by the petitioner. If at all the neighbour Mr.Kumar has any objections, the survey is entitled to consider the same while carrying out the exercise of survey and fixing the boundaries and shall accordingly act on the objections, if found sustainable. However, there can be no impediment for the survey to be conducted, when there is no clash of title interest between the petitioner and the said Kumar.

4.Considering the fact that earlier attempts to survey were unsuccessful, the fourth respondent shall provide adequate police protection on being requested by the respondents 2 and 3 in this regard. The respondents 2 and 3 with the



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assistance of the police officials are attached to the fourth respondent shall conduct the survey based on the petitioner's application dated 06.01.2025, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

26.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

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Ramanathapuram.

2. The Tahsildar,
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4.The Inspector of Police,
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P.B.BALAJI, J.

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