



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

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

W.P.(MD)No.5934 of 2025

Madhavan

: Petitioner

Vs.

1.The Tahsildar,
Taluk Office, Kalkulam Taluk,
Kanyakumari District.

2.Land Surveyor,
Taluk Office,
Kalkulam Taluk,
Kanyakumari District.

3.K.Kumara Dhas
4.K.Vijaya Lakshmi

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 to conduct the survey based on the application No. 2025/0123/30/001516 dated 24.02.2024 of the petitioner in respect of S.No.597/2 pending before the second respondent, within a time frame stipulated by this Court.



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W.P.(MD)No.5934 of 2025



For Petitioner : Mr.J.Gavin Silvester

For Respondents 1 & 2 : Mr.M.Lingadurai

Special Government Pleader

ORDER

The petitioner has filed the present writ petition seeking second survey of the property. It is an admitted case of the petitioner that even as early on 06.03.2023, the petitioner made an application for survey on his lands. Though the survey was to be conducted on 22.02.2024, it was not concluded on the said date and the petitioner was constrained to move this Court in W.P.(MD)No.10688 of 2024. The said writ petition was allowed on 29.04.2024, directing the survey to be completed. Thereafter, on 04.07.2024, in compliance of the order of this Court in the above writ petition, the survey was completed and the boundary stones were also fixed.

2.The grievance of the petitioner is that despite the survey being conducted and four boundary stones being fixed, the respondents 3 and 4 have high-handedly removed the boundary stones which has necessitated the petitioner to make fresh application for survey. The petitioner in this regard has sought for a survey by application dated 24.02.2025, after remitting the necessary charges.



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3.The learned Special Government Pleader would submit that on the request of the petitioner, survey has already been conducted on 04.07.2024. Therefore, there is no requirement for one more survey.

4.Considering the peculiar facts and circumstances of the case, though it is the bounden duty of the petitioner to protect his property from neighbours who are attempting to interfere, considering the fact that the petitioner is seeking for survey for the second time after remitting necessary charges, the survey authorities are directed to conduct survey and the boundary stones shall be fixed at the cost of the petitioner within a period of four [4] weeks from the date of receipt of a copy of this order and it is for the petitioner to safeguard and not repeatedly knock at the doors of the survey authorities. It is submitted that the petitioner has already lodged a complaint before the jurisdictional police officials with regard to the interference by respondents 3 & 4.

5.In the light of the above, the jurisdictional police official on being intimated about the date of survey by the second respondent shall ensure providing adequate police force to conduct the survey without any breach of peace. However, it is made clear that once the survey is conducted and boundary stones are fixed at



the cost of the petitioner, it would be the petitioner's duty and responsibility to safeguard his property. It is also made clear that the

duty of the survey officials shall be limited to survey and fixing of boundaries and under the guise of survey, there shall not be any dispossession of the parties.

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

05.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



WEB COPY

W.P.(MD)No.5934 of 2025



To

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Kanyakumari District.

2.Land Surveyor,
Taluk Office,
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P.B.BALAJI., J.

MR

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