



W.P.(MD)No.9196 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2025

CORAM

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

W.P.(MD)No.9196 of 2025

S.Michealsamy

: Petitioner

Vs.

1.The Tahsildar,
Ettayapuram Taluk,
Ettayapuram,
Thoothukudi District.

2.The Head Surveyor,
Office of Thashildar,
Ettayapuram Taluk,
Ettayapuram,
Thoothukudi District.

3.The Village Administrative Officer,
Meenakshipuram,
Ettayapuram Taluk,
Thoothukudi District.

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



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5.Sebastine

: Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to survey and demarcate the common pathway of the petitioner and 5th respondent comprising S.No.13/2V to the extent of 50 Sq. metre in Venkatachalapuram Village, Meenakshipuram, Ettayapuram Taluk, Thoothukudi District forthwith with the police protection, if necessary.

For Petitioner : Mr.J.Parekh kumar

For Respondents 1 to 3: Mr.M.Lingadurai

Special Government Pleader

For Respondent No.4 : Mr.S.Prakash

Government Advocate (Crl. Side)

ORDER

The petitioner, apprehending that the fifth respondent is trying to convert three meter common pathway as three feet common pathway, has sought for survey to be conducted by making an application on 18.03.2025.

2.According to the petitioner, the fifth respondent is trying to enlarge his personal property by reducing the extent of the common pathway, therefore, necessitating survey to be conducted. The petitioner's application is pending with the first respondent.



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3. In view of the apprehension of the petitioner, Writ

Petition is disposed of, with the following direction:

“The first respondent shall fix a date for survey and intimate the petitioner as well as fifth respondent in advance about the proposed survey. The first respondent shall also duly forward the said intimation to the jurisdictional police officials, namely fourth respondent, seeking police protection at the time of survey to be conducted. On the proposed date, after hearing the objections of the petitioner as well as the fifth respondent and after satisfying the title of the petitioner as well as fifth respondent and their claim over the common pathway, the first respondents shall conduct survey and dispose of the petitioner's application dated 18.03.2025, by marking the boundaries of the common pathway. The said exercise shall be completed within a period of twelve [12] weeks from the date of receipt of a copy of this order.”

There shall be no order as to costs.

02.04.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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P.B.BALAJI., J.

MR

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