



W.P.(MD)No.9901 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2025**

CORAM:

**THE HONOURABLE MR JUSTICE P.B. BALAJI**

W.P.(MD)No.9901 of 2025

S.Maharajan

.... Petitioner

/Vs/

1. The District Collector  
Thoothukudi, Thoothukudi District.
  2. The Tahsildar  
Taluk Office, Sathankulam,  
Thoothukudi District.
  3. The Head Surveyor,  
Office of the Head Surveyor, Thoothukudi,  
Thoothukudi District.
  4. The Superintendent of Police,  
Thoothukudi District, Thoothukudi
  5. The Inspector of Police  
Sathankulam Police Station, Thoothukudi,  
Thoothukudi District.
  6. Chellaiah Thevar
  7. Durai @ Paramasivan
  8. Mani
  9. Angappan
  10. Arunachalam
- .... Respondents



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**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to give suitable instructions and directions to the 3rd respondent to make necessary measurements and survey and earmark the boundaries as per the title deed in the property bearing Survey Nos. 1253/10, 1253/3, 1253/8, 1121/1, 1121/3, 1122/15 and 1122/19 measuring to an extent of 3.29 acres situated at Sathankulam Village, Thoothukudi District.

|                |                                                   |
|----------------|---------------------------------------------------|
| For Petitioner | : Mr.S.Palanivelayutham                           |
| For R1 to R3   | : Mr.B.Saravanan<br>Additional Government Pleader |
| For R4 & R5    | : Mr.S.Prakash<br>Government Advocate (Crl.side)  |

### **ORDER**

The petitioner seeks limited relief of issuance of a Writ of Mandamus to direct the third respondent to conduct survey and demarcate the boundaries of the petitioner's property in Survey Nos. 1253/10, 1253/3, 1253/8, 1121/1, 1121/3, 1122/15 and 1122/19 measuring to an extent of 3.29 acres situated at Sathankulam Village, Thoothukudi District.



W.P.(MD)No.9901 of 2025

WEB COPY

2. I have heard the learned counsel appearing for the petitioner, Mr.B.Saravanan, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.S.Prakash, learned Government Advocate (Crl.side) appearing for the respondents 4 & 5.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, would submit that the private respondents are in physical possession of the portions of the subject lands and they obstructing for any survey to be conducted. He would further state that in the event of survey being ordered, necessarily police protection would be required to conduct peaceful survey and dispose of the petitioner's application.

4. The learned counsel for the petitioner would submit that the petitioner is in possession of the subject lands and sale deed also stands in the name of the petitioner. Patta has also been mutated only in the name of the petitioner. Therefore, he would submit that there can be no impediment for the authorities to proceed with the survey.



W.P.(MD)No.9901 of 2025

WEB COPY

5. In view of the above, the writ petition is disposed of directing the second respondent to issue notice to the petitioner as well as respondents 6 to 10 and any other parties, who may be found to be in physical possession of portions of the subject lands. The second respondent shall conduct a due enquiry and satisfy himself about the entitlement of the petitioner for survey to be conducted in respect of the entire extent of 3.29 acres comprised in various survey numbers referred herein above. On being satisfied with the petitioner's entitlement, the first respondent shall requests the respondents 4 & 5 to provide police protection to conduct peaceful survey. In the event of the second respondent finding rival claims to title then in respect of those survey numbers, the respondents are not obliged to proceed to survey and it shall be open to the petitioner to approach the competent Civil Court insofar as the portions of the property which are under cloud of title. In respect of the other portions, the respondent No.2 shall proceed and conclude the survey within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.(MD)No.9901 of 2025

WEB COPY

6. With the above direction, the writ petition is disposed of. No

costs.

Index : Yes / No

NCC : Yes / No

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**P.B. BALAJI, J.**  
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Order made in  
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