



W.P.(MD)No.9889 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.9889 of 2025

Chellam

.... Petitioner

/Vs/

1. The Tahsildar
Manaparai Taluk, Manaparai,
Trichy District.
2. The Head Surveyor
Manaparai Taluk, Manaparai,
Trichy District.
3. The Inspector of Police
Vaiyampatty Police Station,
Trichy District.
4. Jeyaraj

.... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey the properties in Survey Nos.315/4 and 309/2A Nadupatti Village , Manaparai Taluk and Survey No.37/2 K. Pudukottai Village, Manaparai Taluk with police protection by considering and disposing the online applications No.20231124023775 and 20231124023668 dated 24.11.2023.



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For Petitioner : Mr.T.A.Ebenezer
For R1 & R2 : Mr.C.Satheesh
Government Advocate
For R3 : Mr.S.Prakash
Government Advocate (Crl.side)

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents 1 & 2 to conduct survey the petitioner's lands in Survey Nos. 315/4 and 309/2A Nadupatti Village , Manaparai Taluk and Survey No. 37/2 K. Pudukottai Village, Manaparai Taluk. The petitioner also seeks for police protection.

2. With the consent of the learned counsel appearing on either side, the main writ petition is taken up for final disposal, at the admission stage.

3. I have heard the learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate appearing for the respondents 1 & 2 and Mr.S.Prakash, learned Government Advocate (Crl.side) appearing for the third respondent.



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4. Admittedly, the petitioner has made an online application in this regard as early as on 24.11.2023 and despite the same, the respondents have not come forward to dispose of the petitioner's survey application.

5. The learned Government Advocate appearing for the respondents 1 & 2, on written instructions, would submit that insofar as survey Nos.309/2A and 37/2, pattas are mutated in the name of the petitioner herself and therefore, there can be no impediment for survey to be conducted. However, he would state that the lands are fully covered with wildy grown bushes and shrubs which have to be cleared at the cost of the writ petitioner before the survey can be conducted.

6. Mr.S.Prakash, learned Government Advocate appearing for the third respondent would submit that in respect of survey number 37/2, there is a criminal case pending involving the fourth respondent and the writ petitioner.



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7. In view of the above, the writ petition is disposed of on the following terms:-

(i) The petitioner shall take immediate steps to clear the subject lands at her costs to enable the survey authorities to inspect and conduct survey and fix four boundaries and cause intimation to the first respondent about clearing the lands.

(ii) The petitioner as well as the fourth respondent shall be enquired into by the first respondent and the first respondent shall satisfy himself about the entitlement of the petitioner for a survey to be conducted based on the documents, including the decree of the Civil Court in partition suit, to which the petitioner as well as the fourth respondent are parties.

(iii) Insofar as survey No.315/4, if there is any other third party involved, having any interest in the said survey number, especially, in the light of the patta No.865 being jointly mutated in two names namely Chellam as well as K.Chellam, then the petitioner shall clarify the said position or get a no objection from the other pattadhar, before becoming entitled to survey.

(iv) The above exercise shall be carried out within a period of twelve weeks from the date of receipt of a copy of this order. The first



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respondent shall give an advance intimation to the third respondent seeking police protection, if the first respondent apprehends any breach of peace. No costs.

Index : Yes / No
NCC : Yes / No
am

15.04.2025

To

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P.B. BALAJI, J.
am

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