



W.P.(MD) No.13528 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.13528 of 2023

Thavamani

... Petitioner

Vs.

- 1.The Tahsildar,
Bodinayakkanur Taluk,
Bodinayakkanur,
Theni District.
- 2.The Birka Surveyor,
Kodankipatti Revenue Group,
Bodinayakkanur Taluk,
Theni District.
- 3.The Superintendent of Police,
Theni District,
Theni.
- 4.The Inspector of Police,
P.C.Patti Police Station,
Theni District.
5. Payilvan

... Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 1st and 2nd respondents to measure and identify the boundaries of petitioner properties comprising in Ayan Survey No. 442/13 and 442/5 situated at East Rajapoobala Samuthira Kanmai Puravu, Boothipuram Village and Post, Bodinayakkanur Taluk, Theni District on the basis of the survey Application given by the petitioner dated 23.03.2023 and consequently directing the 4th respondent to give adequate police protection at the time of conduct the survey and fencing in to the petitioner lands on the basis of the petitioner representation dated 24.03.2023.

For Petitioner : Mr.R.Manickam
For R1 and R2 : Mrs.S.Jeya Priya
Government Advocate
For R3 and R4 : Mr.M.Vaikkamkarunanithi
Government Advocate (Crl.side)
For R5 : Mr.R.Surya Narayanan

ORDER

The writ petition is filed seeking a direction to the respondents 1 and 2 to survey the properties situated in Survey No. 442/13 and 442/5 situated at East Rajapoobala Samuthira Kanmai Puravu, Boothipuram



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Village and Post, Bodinayakkanur Taluk, Theni District on the basis of the survey Application given by the petitioner dated 23.03.2023.

2. According to the petitioner, the subject property was settled by his father in his favour under a registered settlement deed dated 23.05.2020. The revenue documents for the subject properties stand in the name of the petitioner's father Veerappan. The petitioner submitted an application dated 23.03.2023 seeking survey of the property. The same has not been considered. Hence, the petitioner has come before this Court.

3. Learned Government Advocate who appears for the respondents 1 and 2 would submit that the petitioner failed to file proper online application. Therefore, his request has not been considered.

4. Learned counsel appearing for the fifth respondent would submit that the official respondents may be directed to consider the submissions of the fifth respondent before taking any decision on the application of the petitioner.



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5. In view of the same, without expressing any opinion on the merits of the matter, the petitioner is directed to produce acknowledgement for having submitted online application before the first respondent within a period of two weeks from the date of receipt of a copy of this order. On production of acknowledgement, the first respondent is directed to consider the petitioner's representation and pass final orders on its own merits within a period of 12 weeks thereafter, after issuing notice to the petitioner, fifth respondent, neighbouring land owners and other interested parties. It is needless to say that mere survey will not result in dispossession of the person in lawful possession of the property and this will not affect the right of any of the parties.

6. With the above direction, this Writ Petition is disposed of. No costs.

13.08.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

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S. SOUNTHAR, J.

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