



W.P.(MD)No.13911 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.05.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.13911 of 2025

K.Murugan

... Petitioner

Vs.

1.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.

2.The Head Surveyor,
Palayamkottai Taluk Office,
Palayamkottai,
Tirunelveli.

3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.

4. Chinnadurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 and 2 to survey petitioner's land with aid of police protection being in Survey No.36/2 an extent of total land of 1 Acre 92.76 cents situated in Keelapattam Village, Palayamkottai Taluk, Tirunelveli District, based on the petitioner's representation dated 02.05.2025, within the stipulated time fixed by this Court.



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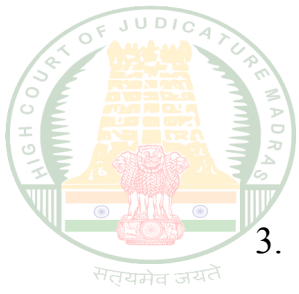
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For Petitioner : Mr.M.Perumal
For R-1 and R-2 : Mrs.P.B.Ahamed Yasmin Parveen
Government Advocate
For R-3 : Mr.K.Gnanasekaran
Government Advocate
(Criminal Side)

ORDER

Heard Mr.M.Perumal, learned counsel for the petitioner, Mrs.P.B.Ahamed Yasmin Parveen, learned Government Advocate for the respondents 1 & 2 and Mr.K.Gnanasekaran, learned Government Advocate (Criminal Side), for the 3rd respondent.

2. The grievance of the petitioner is that the 4th respondent has made an application for survey and under the guise of the said survey, he has marked his boundary within the petitioner's property to the extent of 12 feet. The admitted case of the petitioner is that the properties belong to the petitioner's grand father measuring 1 acre and 92.76 cents and after his demise, 7 legal heirs now jointly entitled to the said property.



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3. The learned Government Advocate therefore submits that without a decree for partition and separate possession, the petitioner cannot claim any individual rights over the subject land.

4. I find force in the submissions of the learned counsel, especially since the petitioner has come forward in the writ petition as if it is his property, though admitting in the affidavit that the property originally belongs to his grandfather. However, the grievance expressed in the writ petition is that the 4th respondent is now taking advantage of the demarcation of their property inside the petitioner's land.

5. In the light of the above, if the petitioner obtains the consent of all 7 legal heirs of the grandfather and produce the same before the 1st respondent, within a period of 2 weeks from the date of receipt of a copy of this order, then the 1st respondent shall consider and dispose of the petitioner's survey representation dated 02.05.2025, after giving notice to the 4th respondent and, if necessary, with the assistance of the 3rd respondent. The entire exercise shall be completed within a period of 8 weeks from the date the consent affidavit is filed.



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WEB COPY 6. With the above directions, this Writ Petition stands disposed of. No costs.

08.05.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To:

- 1.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli District.
- 2.The Head Surveyor,
Palayamkottai Taluk Office,
Palayamkottai,
Tirunelveli.
- 3.The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli.



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P.B.BALAJI, J.

Nsr

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