



W.P.(MD) No.18097 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2025

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P.(MD) No.18097 of 2022

Dhavamani

... Petitioner

Vs

1. The Tahsildar,
Tahsildar Office,
Periyakulam,
Theni District.

2. Nithya Vicky

3. The Inspector of Police,
Devathanapatti Police Station,
Theni District.

4. P.Periyakaruppan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 not to measure, re-survey petitioner's property in Survey No. 119/2B of Devadhanapatti Village, Periyakulam Taluk, Theni District.

For Petitioner : Mr.U.Antony Santhosh

For Respondents : Mr.M.Gangatharan,
Govt. Advocate for R1
Mr.M.Vaikkam Karunanithi,
Govt. Advocate (Crl. Side) for R3



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ORDER

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The petitioner herein seeks issuance of Writ of Mandamus forbearing the respondents 1 and 2 from surveying the property situate in S.No.119/2B, Devadhanapatti Village, Periyakulam Taluk, Theni District.

2. Heard the arguments of Mr.U.Antony Santhosh, learned counsel for the petitioner, Mr.M.Gangatharan, learned Government Advocate appearing for the first respondent and Mr.M.Vaikkam Karunanithi, learned Govt. Advocate (Crl. Side) appearing for the third respondent.

3. According to the petitioner, she is the owner of the property situate in S.No.119/2B, Devadhanapatti Village, Periyakulam Taluk, Theni District. However, a perusal of the document produced in the typed set of papers would indicate that the petitioner purchased the property in S.No.119/2A, which is adjacent to S.No.119/2B. It is stated by the petitioner that her neighbour viz., 4th respondent wants to survey the property situated in S.No.119/2B and during the process, the 4th respondent attempted to measure her property. Therefore, the present Writ Petition has been filed.



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4. If there is any encroachment or attempt to encroach the property of the petitioner by the 4th respondent, it is for the petitioner to workout her remedy before the civil Court. The 4th respondent is entitled to have the survey of his property and the petitioner cannot have any objection. If the surveyor finds, it is necessary to survey the adjacent property of petitioner lies in S.No.119/2A, for the purpose of fixing boundary between the properties of the petitioner and the 4th respondent, it is for the surveyor to issue notice to the petitioner before measuring the properties.

5. At the time of arguments, the learned counsel for the petitioner submits that the survey number of her property is wrongly mentioned as S.No.119/2B instead of S.No.119/2A. The said statement made by the petitioner is also recorded.

6. With these clarifications, this Writ Petition stands disposed of.
There shall be no order as to costs.

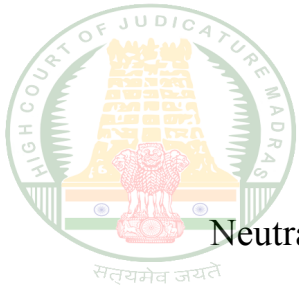
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Internet: Yes/No

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Neutral Citation: Yes/No

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S.SOUNTHAR, J.

vsm

To

1. The Tahsildar,
Tahsildar Office,
Periyakulam,
Theni District.
2. The Inspector of Police,
Devathanapatti Police Station,
Theni District.

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