



W.P.(MD)No.23709 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.23709 of 2024

R.L.Sindhu

... Petitioner

/Vs./

- 1.The District Collector,
Nagercoil, Kanyakumari District.
- 2.The Revenue Divisional Officer,
Padmanabhapuram,
Thuckalay, Kanyakumari District.
- 3.The Tahsildar,
Vilavancode Taluk,
Kuzhithurai, Kanyakumari District.
- 4.The Taluk Surveyor,
Vilavancode Taluk,
Kanyakumari District.
- 5.The Sub Inspector of Police,
Palugal Police Station,
Kanyakumari District.
- 6.Win Vinola Rani
7. Win Sheela Rani

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, direction to the respondents 3 to 5 herein, to conduct a survey and measure the petitioner's property in Old Survey No. 3455C, R.S.No.228/1A, Melpalai Desom, Devicode Village, the then Edaicode Village, Vilavancode Taluk, Palugal Sub District, Marthandam Registration District, Kanyakumari District for an extent of 49.400 cents and to fix the boundaries and to provide adequate police protection to fix the survey stones on the same day itself, in a time bound manner as stipulated by this Court.

For Petitioner : Mr.C.Kishore

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1-4

: Mr.S.Prakash
Government Advocate(Crl.Side) for R5

: Mr.C.K.M.Appaji for R6&7

ORDER

The petitioner seeks an issuance of Writ of Mandamus, to dispose of the application for survey of the petitioner's property in Old Survey No.3455C, R.S.No.228/1A, Melpalai Desom, Devicode Village, the then Edaicode Village, Vilavancode Taluk, Palugal Sub District, Marthandam Registration District, Kanyakumari District, measuring to an extent of 49.400 cents and to fix the boundaries with the help of police officials.



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2. The case of the petitioner is that she is the owner of the subject lands in old Survey No.3455C, in Aakkottukonam Puraiyidam with R.S.No.228/1A, Melpalai Desom, Devicode Village, the then Edaicode Village, Vilavancode Taluk, Palugal Sub District, Marthandam Registration District, Kanyakumari District, measuring to an extent of 49.400 cents being agricultural lands. According to the petitioner, her mother was the absolute owner of the said lands and in and by registered settlement deed dated 18.12.2014 vide document No.1583/2014, the mother of the petitioner settled the respective lands in favour of the petitioner. The petitioner also obtained patta No.5855 in her name subsequent to the settlement deed. Though earlier attempts were made to survey and fix boundary, there were objections caused by the private respondents 6 and 7 and the boundary stones which was fixed were also forcibly removed and according to the petitioner, the respondents 6 and 7 are preventing the petitioner from having a proper survey conducted to identify her four boundaries. The petitioner has also made a representation to the Superintendent of Police, Nagercoil, for providing adequate police protection.



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3. The writ petitioner seeks direction to the respondents 3 to 5 to conduct survey and fix the boundaries of the petitioner's property. The objections of the respondents 6 and 7 appears to be in respect of a common pathway, which was created by both the petitioner and respondents 6 and 7. According to the petitioner, the petitioner is not requesting survey for beyond the pathway. Anyhow, the petitioner's survey application is only in respect of the subject property and it would suffice, if the survey is conducted in the presence of the private respondents 6 and 7, after giving advance notice to the petitioner as well as respondents 6 and 7. The third respondent shall put the petitioner and the respondents 6 and 7 on notice and fix a date for survey in the presence of the parties and shall proceed to conduct the survey.

4. The learned counsel for the respondents 6 and 7 fairly submits that the respondents 6 and 7 will co-operate with the survey and it is their only request that their objections shall also be considered by the third respondent, while conducting survey and fixing the boundaries stones.



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5. In view of the said representation of the learned counsel for the respondents 6 and 7, I do not see any requirement for the police officials to be present at the time of survey.

6. In view of the above, the third respondent shall proceed to and pass orders on the petitioner's survey application dated 05.02.2024 followed by representation dated 14.02.2024, after putting on notice to the petitioner as well as the respondents 6 and 7 and after considering the objections of respondents 6 and 7, the survey shall be conducted in accordance with law, within a period of eight weeks from the date of receipt of copy of this order.

7. With the above direction, this Writ Petition is disposed of.

There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

20.02.2025



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P.B. BALAJI, J.

LS

TO:-

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Order made in
W.P.(MD)No.23709 of 2024

Dated:
20.02.2025