



W.P.(MD) No.4516 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.4516 of 2025

1.Abdul Basith
2.Seenivasan

... Petitioners

vs.

1.The Tahsildar,
Office of the Tahsildar,
Madurai East, Madurai.

2.The Head Surveyor,
Office of the Tahsildar,
Madurai East, Madurai.

3.The Inspector of Police,
Appanthirupathy Police Station,
Madurai District.

4.Karupaiya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1 and 2 to survey the land in connection with S.No.15/32 total to an extent of 0.5.26 ares and in S.No. 15/33 total to an extent of 0.6.00 ares situated at Kathakinaru Village, Madurai East, Madurai District with adequate police protection at the time of survey the land by considering their application No.2024/0123/24/002760 dated 28.03.2024.



W.P.(MD) No.4516 of 2025

WEB COPY

For Petitioners : Mr.D.S.Haroon Rasheed

For Respondents : Mr.B.Saravanan
Additional Government Pleader for R1 & R2

Mr.S.Prakash
Government Advocate (Crl. side) for R3

ORDER

Considering the limited scope of the relief sought for in the writ petition, with the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioners seek disposal of the petitioners' survey application dated 28.03.2024. According to the petitioners, they are the owners of the subject lands and a patta was also issued to them. Further, DTCP as well as RERA authorities have also approved the subject property and the petitioners have valid rights and titles over the same. In order to demarcate the four boundaries, the petitioners made an application on 28.03.2024. According to the petitioners, despite the said application and necessary fee having been remitted, the respondents 1 and 2 have not taken any action to survey and demarcate the lands.



W.P.(MD) No.4516 of 2025

WEB COPY

3.Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 2 would submit that an attempt was made to survey the lands on 28.03.2024, but however, the fourth respondent prevented the survey being conducted claiming that he is a cultivating tenant and that there is also pending civil suit.

4.The learned counsel for the petitioners submits that the petitioners are not a party to the said suit and the fourth respondent has nothing to do with the petitioners' property. Therefore, they seek for the survey being conducted based on the pending application dated 28.03.2024 in the presence of the police officials. The learned counsel for the petitioners would also invite my attention to the patta issued to the petitioners, which is enclosed in the typed set of papers.

5.In view of the above, mere objections raised by the fourth respondent, citing the pendency of a civil suit in which the writ petitioners are not a party, cannot be an impediment for the official respondents to conduct the survey based on the petitioners' application in respect of the petitioners' absolute and separate property. However, in view of the objections made by the fourth respondent, the official respondents, at the time of survey, may approach the jurisdictional police



W.P.(MD) No.4516 of 2025

WEB COPY

officials and seek for adequate police protection, who shall in turn provide the same to ensure the smooth survey to be conducted. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

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

20.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1. The Tahsildar,
Office of the Tahsildar,
Madurai East, Madurai.
2. The Head Surveyor,
Office of the Tahsildar,
Madurai East, Madurai.
3. The Inspector of Police,
Appanthirupathy Police Station,
Madurai District.



WEB COPY



W.P.(MD) No.4516 of 2025



WEB COPY



W.P.(MD) No.4516 of 2025

P.B.BALAJI, J.

sjj

W.P.(MD) No.4516 of 2025

20.02.2025