



W.P(MD)No.11087 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.05.2023

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.11087 of 2023

M.Malaiyappan

... Petitioner

Vs.

1.The Tahsildar,
Kulithalai Taluk,
Karur District.

2.The Head Surveyor,
Kulithalai Taluk,
Karur District.

3.The Taluk Surveyor,
Kulithalai Taluk,
Karur District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to carry out survey and demarcate the properties bearing S.No.177 extenot of 2 hectare 52.50 Ares, S.No.176/1G1 extent of 2.65 ares, S.No. 176/3A1A extent of 3.45 ares, S.No.176/1F extent of 6 ares situated at Thogamalai Village,, Kulithalai Taluk, Karur District within the period stipulated by this Court.



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For Petitioner : Mr.G.Vidhya Maheswaran

For Respondents : Mr.P.Subbaraj,
Special Govt.Pleader

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the respondents to carry out survey and demarcate the properties bearing S.No.177 extent of 2 hectare 52.50 Ares, S.No. 176/1G1 extent of 2.65 ares, S.No.176/3A1A extent of 3.45 ares, S.No. 176/1F extent of 6 ares situated at Thogamalai Village,, Kulithalai Taluk, Karur District within the period stipulated by this Court.

2.Mr.P.Subbraraj, learned Special Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the Petitioner is that his father had purchased the prayer mentioned lands from one Kuppammal and Selvaraj of Karur District for a total sale consideration of Rs.1,45,000/- by way of registered sale deed, dated 27.05.2022 and one more property was also



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purchased which is a punja land on 19.8.2022 from one Valliammal and Kaliappan of Thogamalai, Trichy District in S.No.176/1G and also purchased properties in S.No.176/1, S.NO.176/3-A, S.NO.179, S.No. 176/1F and S.No.176,1E from various third parties by way of registered sale deeds registered at the Office of the Sub Registrar, Manapparai. However, the learned counsel for the Petitioner would submit that after several years of purchase, the said properties are not yet measured and the boundaries are not well defined. Hence the Petitioner submitted an application before the respondents on 7.2.2023 for surveying and demarcating the prayer mentioned properties and also paid the requisite fee of Rs.800/- on 7.2.2023. For the past three months, the respondents have not come forward to survey and demarcate the boundaries of the prayer mentioned properties. Hence the Petitioner has come forward with this Writ Petition for the relief stated supra.

4.The learned Special Government Pleader appearing for the respondents would submit that the Petitioner's application given in this regard on 7.2.2023 will be considered by the respondents on merits and in accordance with law, within the time prescribed by this Court.



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5. In view of the above submission, the Writ Petition is disposed of with the following directions:-

(I) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the interested persons, if any.

(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(III) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on. It is open to the parties to serve memo of instructions to the surveyor at the



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time of conducting the survey. The same will be borne in mind.

While it cannot be binding on the surveyor, the same will be taken note of.

(IV) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(VI) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid. The Survey Authority will pass order within a period of six weeks after service of notice on the interested persons.



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(VII) A copy of the survey report will be served on the parties also.

There shall be no order as to costs.

19.05.2023

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

vsn

To

- 1.The Tahsildar,
Kulithalai Taluk,
Karur District.
- 2.The Head Surveyor,
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L.VICTORIA GOWRI., J.

vsn

ORDER MADE IN
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19.05.2023