



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 09.10.2020**

**CORAM**

**THE HON'BLE MR.JUSTICE S.VAIDYANATHAN**

WEB COPY

**W.P. (MD) No.14036 of 2020**

Vettaiyar

... Petitioner

-Vs-

1.The Tahsildar,  
Ilayangudi Taluk, Sivagangai District.

2.The Head Surveyor,  
Ilayangudi Taluk, Sivagangai District. ... Respondents

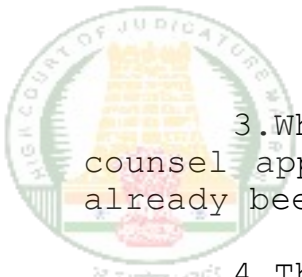
Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to survey the petitioner's ancestral land in Survey No.15/6, 15/9A, 15/9D with an total extent of 0.60.00 hectares, sitauted at Periyavandalai Village, Nagamugundangudi Group, Ilayangudi Taluk, Sivagangai District based on the petitioner's application dated 07.07.2017 and 31.07.2020.

For Petitioner : Mr.K.Malaimaran  
For Respondents : Mr.M.Pandiaya Rajan,  
Additional Government Pleader.

**ORDER**

The petitioner has come forward with this Writ Petition, seeking a direction to the respondents to survey the petitioner's ancestral land in Survey No.15/6, 15/9A, 15/9D with a total extent of 0.60.00 hectares, situated at Periyavandalai Village, Nagamugundangudi Group, Ilayangudi Taluk, Sivagangai District based on the petitioner's application dated 07.07.2017 and 31.07.2020.

2.According to the petitioner, the property in Survey No.15/6, 15/9A, 15/9D with an total extent of 0.60.00 hectares, situated at Periyavandalai Village, Nagamugundangudi Group, Ilayangudi Taluk, Sivagangai District, belongs to the petitioner's ancestral property. On 07.07.2017, the petitioner has made a representation to the first respondent to survey the land. Since no action was taken by the first respondent, the petitioner again on 27.07.2020, has made an application to the second respondent. However, he has not taken any action. Thereafter, the petitioner has sent a representation on 31.07.2020 to the first respondent with necessary survey fee through registered post and the same was received by the respondents. However, no effective steps have been taken to survey the land. Hence, the petitioner has approached this Court, seeking aforesaid prayer.



3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner has submitted that notice has already been served to the parties concerned.

4. The learned Additional Government Pleader appearing for the respondents has drawn the attention of this Court to the letter of the first respondent dated 08.10.2020 and would submit that this Court has already passed an order in W.P.(MD) No.10386 of 2020 filed by one Murugan to evict the encroachment based on the representation of the said Murugan, which includes the survey number of the petitioner herein. Therefore, the request of the petitioner to conduct survey will be considered.

5. This Court has already dealt with the matter in surveying the land and issuance of patta in W.P.(MD) No.13465 of 2020, by its order dated 05.10.2020 and issued certain guidelines to be followed at the time of effecting survey and issuing patta, which are extracted hereunder:-

" i) On receipt of charges towards Survey or Resurvey, it should be conducted within a period of 30 days from the date of such receipt and in case of failure on the part of the authorities to do so, the cost of application shall be returned to the parties, apart from recovery of a sum of Rs.2,500/- from the salary of the concerned Officials, responsible for execution of the job and also initiation of departmental proceedings against them and those errand officers must be identified and placed under suspension and even dismissed from service for their misconduct, dereliction of duty, showing no devotion to work, lack of integrity, so as to deprive their entire gratuity and terminal benefits under the head "moral turpitude", thereby failing to maintain absolute integrity in discharging his/her official duties. The details of such Officers stated supra together with his / her Aadhar Number shall be incorporated and adverse remarks shall be entered in the Service Register of the concerned Officers, so as to deprive their further promotions in their career. In case of failure to do survey, the concerned Official / Surveyor shall be displaced to a non-sensitive post;

ii) A Register shall be maintained, in which details, such as name of the person, who has gone for survey, area of survey, date of survey, completion of survey, reason for not surveying the property, etc., should be entered periodically and verified by the Superior Officer. The complete details shall be available to the parties concerned or any person, when required under the Right to Information Act and Section 8 of the said Act or any other provision shall not be quoted to deprive the details to



the person, who requires it;

(iii) The Respondents 1 to 4 shall make use of Drone Technology in order to conduct accurate survey of the property, which will throw light with regard to encroachment on Government lands, like OSR, Public Roads, Parks, Lakes, Odai, etc.

(iv) Pendency of litigation before Courts is not a bar for the authorities to conduct survey or resurvey in the absence of any stay / interim order / interim injunction from proceeding further;

(v) In cases relating to pending civil dispute, the parties are at liberty to approach the appropriate forum for conducting Survey or Resurvey of the property in question by making necessary application and the same shall be considered by the appropriate forum in accordance with law;

(vi) The entire process of survey or resurvey shall be photographed and videographed by the authorities concerned even in the absence of suitable orders to that effect and the copies of documents shall be furnished to the parties concerned on receipt of necessary charges;

(vii) In the event of any public documents sought for by any of the parties in connection with the property in question, under the Right to Information Act, duly certified copies should be provided to such parties and it should not be denied by merely quoting some provisions of the RTI Act, more particularly, Section 8 of the said Act, unless there is any interim order operating against the parties concerned in respect of disbursement of the documents sought for by the parties. The name, designation, employment number, if any Aadhar Card details, shall be furnished in the certification;

(viii) It is needless to mention that obviously, the entire charges for survey or resurvey of the property shall be paid by the parties concerned or it should be equally borne them, depending upon the facts of each case. In case of delay on the side of the Authorities, the costs should be borne by them from their personal funds;

(ix) A constant vigil at the Officials of every Revenue Departments is absolutely necessary to regulate the revenue related works and the Vigilance Department shall be brought into action to curb the demand of bribe by them, especially Surveyors;

(x) In case of request for issuance of Patta after survey, apart from the aforesaid guidelines, the directions issued by this Court in W.P.(MD) No.7746 of 2020 batch on 23.09.2020 shall have to be adhered to;

(xi) The Government is directed to issue a circular in this regard, incorporating the above guidelines within



a period of one month from the date of receipt of a copy of this order."

6. In view of the above, this Court directs the first respondent to survey the land of the petitioner by following the guidelines as extracted above, within a period of 90 days from the date of receipt of a copy of this order, enabling the petitioner to put up fence, if required and if so advised.

7. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Myr

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The Tahsildar,  
Ilayangudi Taluk, Sivagangai District.

2. The Head Surveyor,  
Ilayangudi Taluk, Sivagangai District.

+1 CC to M/s.GP ( SR-19781[F] dated 12/10/2020 )

**W.P. (MD) No.14036 of 2020**  
**09.10.2020**

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smv (CO)

**KK(16.10.2020) 4P 4C**