



W.P.(MD)No.11736 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11736 of 2020

Perumal

... Petitioner

Vs

1.The Tahsildar,
Dindigul West Taluk,
Dindigul,
Dindigul District.

2.The Taluk Surveyor,
Dindigul West Taluk,
Taluk Office,
Dindigul District.

3.The Sub Inspector of Police,
Reddiyarchathiram Police Station,
Reddiyarchathiram,
Dindigul District.

4.T.Magudeeswaran

... 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 to survey and demarcate the petitioner's landed properties to an extent of 0.67.50



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Ares Comprised in Survey Nos.499/1D and 499/2A situated at Kamatchipuram Village, Dindigul West Taluk, Dindigul District on the basis of petitioner's application dated 11-03-2020 after giving necessary opportunity to the parties connected within time frame as fixed by this Court.

For Petitioner : Mr.J.Lawrance

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 to R.3

Mr.R.Thangapandian for R.4

ORDER

The petitioner has applied to the jurisdictional authority for conducting survey of the petition mentioned lands and for demarcation of the boundaries. Since the authority had not acted upon the petitioner's request, this writ petition came to be filed.

2. 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.



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(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.

(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.



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

also.

No costs.

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Index : Yes / No

Internet : Yes/ No

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To

- 1.The Tahsildar,
Dindigul West Taluk,
Dindigul,
Dindigul District.
- 2.The Taluk Surveyor,
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Taluk Office,
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G.R.SWAMINATHAN, J.

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