



W.P.(MD)No.11540 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11540 2022

R.Mani

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its
Additional Secretary / Commissioner of Land Administration,
Secretariat,
Fort St.George,
Chennai.
2. The Commissioner of City Corporation,
The Office of Commissioner of City Corporation,
Corporation Office Road,
Cantonment,
Tiruchirappalli District - 620 001.
3. The Assistant Commissioner of City Corporation,
Tiruchirappalli City Corporation,
Office of K.Abishekapuram Zone,
Government Hospital Backside,
Tiruchirappalli District - 620 017.



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4. The Revenue Divisional Officer,
The Office of Revenue Divisional Office,
The District Collector Office,
Tiruchirappalli District - 620 001.
5. The Head-Quarters Deputy Thasildar,
Tahsildar Office (West),
Tiruchirappalli City Corporation Office Road,
Tiruchirappalli District - 620 001.
6. The Sub-Inspector of Survey,
The Office of K.Abishekapuram Zone,
Tiruchirappalli City Corporation,
Government Hospital Backside,
Tiruchirappalli District - 620 017.
7. The Village Administrative Officer,
The Office of Village Administrative,
No.38, Uyaiyankondaan Thirumalai,
Tiruchirappalli Corporation Limited,
Tiruchirappalli District - 620 012.
8. The Head Taluk Surveyor,
Tahsildar Office (West) Limit,
Tiruchirappalli City Corporation,
The Office of K.Abishekapuram Zone,
Government Hospital Backside,
Tiruchirappalli District - 620 017.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents 2, 3 and 6 to 8 to survey and measure property of the petitioner comprised in



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S.F.No.196/10A (Old S.F.No.56A/1A1) and S.F.No.196/11A (Old S.F.No. 56A/1A1) to an extent of 826 Sq.ft = 0.027.0 Sq.mt + 0.048.0 Sq.mt = 0.075.0 Sq.mt mentioned in the registered sale deed No.875/91 dated 18.03.1991 and in the Patta No.810 dated 28.07.1991, which is located at Uyaiyankondanthirumalai Village No.35, Tiruchirappalli Taluk (West), Tiruchirappalli Corporation and Tiruchirappalli District, corresponding Tiruchirappalli Town Survey No.95, Ward No.J, Block No.10 by considering his application dated 26.04.2021 and representation dated 28.05.2022.

For Petitioner : Ms.R.Suresh Kumar

For Respondents : Mr.M.Sarangan
Addl. Govt. Pleader for R1&R4-R8
Mr.R.Baskaran
Standing Counsel for R2 and R3

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.



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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.

(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.



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(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.

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

No costs.

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Index : Yes / No

Speaking Order : Yes / No

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