



W.P.(MD)No.12619 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12619 of 2022

and

W.M.P(MD)No.11702 of 2022

I.Syedammal (Died)

Ajmeer Khaja

(Ajmeer Khaja is *suo motu* substituted
as petitioner vide Court order dated
05.08.2022 in W.P(MD)No.12619 of 2022)

... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Sivagangai District.

2.The Tahsildar,
Office of the Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

3.The Firka,
Office of the Firka Surveyor,
Thiruppuvanam Taluk,
Sivagangai District.

4.The Village Administrative Officer,
Office of the Village Administrative Officer,
Manaloor Village,
Sivagangai District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to survey the petitioner's land comprised in Survey No.208/6 an extent of 1 Acer and 41 Cents land situating at Manaloor Village, Thiruppuvanam Taluk, Sivagangai District and fixed four boundaries on the basis of the petitioner's application, dated 16.11.2021 by considering representation, dated 20.05.2022 within the time stipulated by this Court.

For Petitioner : Mr.I.Sabeer Mohamed

For Respondents : Mr.M.Prakash
Additional Government Pleader

ORDER

The property in question belongs to one Syedammal and his sibblings. Originally Syedammal submitted an application to the jurisdictional authority for conducting survey of the petition mentioned land 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.



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(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.

(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.

Consequently, connected miscellaneous petition is closed. No costs.

05.08.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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