



W.P(MD)No.8399 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8399 of 2019

A.Rabbani

... Petitioner

Vs.

- 1.The Deputy Director (Land Survey),
Collectorate Complex,
Madurai – 20.
- 2.The Assistant Director (Land Survey),
Collectorate Complex,
Sivagangai,
Sivagangai District.
- 3.The Tahsildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.
- 4.The Taluk Surveyor,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.
- 5.Vellaichamy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to measure the property of the petitioner in Survey Nos.140/1A 17 in patta No.672 of Rajakambeeram Village and Rajakambeeram Revenue Group,



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Manamadurai Taluk as per the cost paid by the petitioner dated 12.02.2108 as well as the representation made by the petitioner within the time limit prescribed by this Court.

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 to R4.
Mr.N.Madhavagovindan for R5.

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. 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. No costs.

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

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