

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15227 2022

V.Karuppiah

... Petitioner

Vs.

1. The District Collector,
Sivagangai District.

2. The Tahsildar,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

3. The Surveyor,
Karaikudi Taluk,
Karaikudi,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third respondent herein to conduct survey, measurement and fixing boundaries of petitioner's house site comprised in Old Survey No.104/1, New Survey No.195-21

measuring 0.00.82 in O.Siruvayal Village, Karaikudi, Sivagangai District, as per the Patta No.99 issued by the Special Tahsildar (Natham and Land Revenue) Karaikudi and as per the representation of the petitioner dated 04.07.2022.

For Petitioner : Mr.B.Muruganandam

For Respondents : Mr.M.Prakash
Additional Government Pleader

O R D E R

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.

(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.

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

No costs.

25.08.2022

Index : Yes / No
Speaking Order : Yes / No

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