



W.P(MD)No.15252 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15252 of 2022

M.A.Malaikannan

... Petitioner

Vs.

1.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

2.The Head Surveyor,
Kalaiyarkovil Taluk,
Sivagangai District.

3.A.Sonaimuthu

... 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 to measure and issue the separate patta in the petitioner's land in Survey No.55/2A in Patta No. 1037, situated at Paulkulam Village, Maravamangalam Post, Kalaiyarkovil Taluk, Sivagangai District, based on the revenue records and the petitioner's representation dated 14.03.2022 within a stipulated time fixed by this Court.



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For Petitioner : Mr.T.Selvakumaran

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.

Mr.C.Sankarganesh for R3.

ORDER

The learned counsel appearing for the petitioner states that he is giving up the prayer for issuance of patta for the present. He would file a fresh writ petition or take appropriate steps for issuance of patta based on the report of the survey.

2. With this liberty to the writ petitioner, the petitioner is allowed to not press the writ prayer as regards the issuance of patta.

3. 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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4. 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.



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(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.

18.08.2022

Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.
- 2.The Head Surveyor,
Kalaiyarkovil Taluk,
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G.R.SWAMINATHAN, J.

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