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W.P.(MD)NO.15262 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.15262 of 2022

A. Abdul Majid

... Petitioner

Vs.

1. The District Collector
Madurai District.
- 2 The Assistant Director,
Survey and Settlement, Madurai.
- 3 The Revenue Divisional Officer,
Madurai.
- 4 The Tahsildar,
Madurai West Taluk, Madurai.
- 5 The Village Administrative Officer,
Keezhamathur, Madurai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to forthwith conduct survey, measurement and correct the FMB of the petitioner's Survey No. 1/8, Keezhamathur Village, Madurai West Taluk, Madurai as measuring 29 cents, as per the title deeds and patta standing in the name of the petitioner.



For Petitioner : Mr.V.Pandiyan

For Respondents: Mr.M.Prakash,
Additional Government Pleader.

* * *

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.

No costs.

18.08.2022

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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