



W.P(MD)No.16322 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16322 of 2022

D.Sankar Prabhu

... Petitioner

Vs.

- 1.The Tahsildar,
Uthamapalayam Taluk,
Theni District.
- 2.The Zonal Deputy Tahsildar,
Uthamapalayam Taluk,
Theni District.
- 3.The Village Administrative Officer,
Pannaipuram Village,
Uthamapalayam Taluk,
Theni District.
- 4.The Inspector of Police,
Thevaram Police Station,
Theni District.

5.K.Renganathan

... Respondents

*(R5 is impleaded vide order dated 26.08.2022
made in W.M.P.(MD)No.14243 of 2022 in
W.P.(MD)No.16322 of 2022 by GRSJ)*

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



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3 to conduct survey as per Tamil Nadu Survey and boundaries Act 1923 and to fix boundaries in respect of lands comprised in Old Survey No.639/2, Survey No.639/2C Measuring 3 Acres and 19 Cents of agricultural land situated at palavaryanpatti, Pannaipuram Village, Uthamapalayam Taluk, Theni District and fix the boundaries in the said survey numbers and also issue direction to 4th respondent herein to provide adequate police protection by considering the writ petitioners application dated 02.07.2022 and 13.07.2022 within a time stipulated by this Court.

For Petitioner : Mr.V.Uthayakumar

For Respondents : Mr.N.Ramesh Arumugam,
Government Advocate for R1 to R4.
Mr.A.Ganesan 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.



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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. No costs.

26.08.2022

Index : Yes / No
Internet : Yes/ No
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(2/2)**