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W.P.(MD)NO.17592 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.17592 of 2022

S.Pandiyammal

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office,
Aundipatti,
Theni District.

2. The Firka Surveyor,
Vallalnathi Village,
Kandamanur,
Taluk Office, Aundipatti,
Theni District.

... 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 conduct survey, measurement and fix boundaries of the petitioner's properties comprised in survey Nos. situated in Survey No.442/5C measuring 4 Ares, Survey No.442/5B measuring 1.18.0 Hecs. and survey No.442/5B measuring 70 Ares and 5.0 sq. meters situated in Vallalnathi Village, Aundipatti Taluk, Theni District, purchased under a registered deed of sale dated 31.01.2020 within a reasonable time.



For Petitioner : Mr.K.Appadurai

For Respondents: Mr.K.Balasubramani,
Special 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.

(III) If according to the jurisdictional authority,



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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.

05.08.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

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To:

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Taluk Office,
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