



W.P(MD)No.17859 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17859 of 2022

D.Vivek Thomas

... Petitioner

Vs.

1.The Surveyor,
Achambadu Village,
Achambadu Village Administrative Office,
Kizhavaneri, Valliyur Post,
Radhapuram Taluk,
Tirunelveli District.

2.The Village Administrative Officer,
Achambadu Village,
Kizhavaneri, Valliyur Post.

3.The Tahsildar,
Radhapuram Taluk,
Radhapuram Taluk Office,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider and pass orders on the Representation dated 13.05.2022 to survey the petitioner's land as per the settlement deed No.1482 of 2022 dated 26.04.2022 and consequently directing the 3rd Respondent to transfer patta in the name of petitioner for Survey No.553/4A and 553/4B1, situated at Achambadu Village,



W.P(MD)No.17859 of 2022

Radhapuram Taluk, Thirunelveli District within the time stipulated by this Court.

For Petitioner : M/s.Swathi Sankarvathanan

For Respondents : Mr.M.Prakash

Additional Government Pleader

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.

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



W.P(MD)No.17859 of 2022

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.

10.08.2022

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.17859 of 2022

G.R.SWAMINATHAN, J.

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