



W.P.(MD)No.18043 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18043 of 2022

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... Petitioner

Vs

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Taluk Office,
Devakottai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the 2nd respondent to measure the petitioner property comprised in Survey No. 408/25 an extent of 0.3.30 Acres situated at Orumaniyendhal Group, Keelauchani Village, Devakottai Taluk, Sivagangai District on the basis of representation of the petitioner dated 05.07.2022.

For Petitioner : Mr.S.Vellaichamy

For Respondents : Mr.M.Prakash
Additional Government Pleader
assisted by Mr.A.Baskaran
Additional Government Pleader



W.P.(MD)No.18043 of 2022

ORDER

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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, 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.



W.P.(MD)No.18043 of 2022

(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.

11.08.2022

Index : Yes / No
Internet : Yes/ No
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W.P.(MD)No.18043 of 2022

G.R.SWAMINATHAN, J.

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