



W.P(MD)Nos.17764 and 17765 of 2021

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)Nos.17764 and 17765 of 2021

W.P.(MD)No.17764 of 2021:-

M.Uma Maheswari

... Petitioner

Vs.

**1.Tiruchirappalli City Municipal Corporation,
Rep. by its Commissioner,
Tiruchirappalli.**

**2.The Sub Inspector of Survey,
Ponmalai Zone,
Tiruchirappalli City Municipal Corporation,
Tiruchirappalli**

3.B.Rajeshwari

... 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 2nd respondent to survey and measure the property comprised in T.S.No.11, Ward AG, Block 15, admeasuring to an extent of 3150 sq.ft as mentioned in the registered sale deed bearing document No.1086/1982 dated 17.03.1982 executed in favour of the 3rd respondent and the registered sale deed bearing document No.2922/1990 dated 07.06.1990 executed by the 3rd respondent in favour of Muthu Selvam in respect of 888 sq.ft out of 4038 sq.ft and fix the survey stone and issue survey sketch and plan to petitioner.



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For Petitioner : Mr.Shangar Murali

For Respondents : Mr.R.Baskaran,
Standing Counsel for R1 & R2.
Mr.Jahangir Babu for R3.

COMMON ORDER

Heard the learned counsel on either side.

2.As rightly contended by the learned counsel for the private respondents, the petitioner can only ask for survey of her land and not survey of the lands belonging to the respective third respondent. The petitioner is permitted to submit a fresh application seeking survey of her own land to the competent authority of Tiruchirappalli City Municipal Corporation. The petitioner states that survey fees have already been paid. If that be so, the same will be taken into account. After receipt of such an application from the writ petitioner, the same will be disposed of in the following terms:-

(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.

3. These writ petitions are disposed of accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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