



W.P(MD)No.18378 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18378 of 2022

P.Rathinasamy

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The Tahsildar,
Theni Taluk,
Theni District.

3.The Head Surveyor,
Theni Taluk,
Theni 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 2nd and 3rd respondents to survey demarcate and subdivide the properties in Survey No.134/2B and Survey No.134/4 situated at Koduvilarpatti Village, Theni Taluk, Theni District pursuant to the petitioners application dated 05.05.2022 and consequently direct the 2nd respondent to issue patta after subdividing the same in the light of the sale deed dated 22.09.2000 in Doc.No.20/2001.

For Petitioner : Mr.R.Anand

For Respondents : Mr.M.Sarangan,
Addl. Government Pleader.



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ORDER

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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 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. No costs.

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Index : Yes / No

Internet : Yes/ No

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To:-

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