

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 23.08.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.19246 of 2022**

S.Devi

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Collectorate,
Sivagangai -630 001.
2. The Tahsildar,
Singampunari Taluk,
Taluk Office, Singampunari,
Sivagangai District.
3. The Firka Surveyor,
Singampunari Firka,
O/o.The Tahsildar,
Singampunari,
Sivagangai District.

4. K.Palaniappan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 herein to survey the land bearing Survey no. 53/14 and 53/20 Melapatti Village, Singampunari Taluk, Sivagangai District and fix the four boundaries of the same within a time frame fixed by this Court.

For Petitioner : Mr.K.Neelamegam
For R-1 to R-3 : Mr.M.Sarangan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.

2. Considering the nature of relief to be granted, issuance of notice to the fourth respondent is dispensed with.

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.

(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.

23.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

1. The District Collector,
Sivagangai District,
Collectorate,
Sivagangai -630 001.
2. The Tahsildar,
Singampunari Taluk,
Taluk Office, Singampunari,
Sivagangai District.
3. The Firka Surveyor,
Singampunari Firka,
O/o.The Tahsildar,
Singampunari,
Sivagangai District.

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.19246 of 2022

23.08.2022