



W.P(MD)No.19408 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19408 of 2022

K.Ponnusamy

... Petitioner

Vs.

1.The Tahsildar,
Manapparai Taluk,
Trichy District.

2.The Taluk Surveyor,
Manapparai Taluk,
Trichy District.

3.The Inspector of Police,
Vaiyampatty Police Station,
Trichy District.

4.Rayappan

5.Arulappan

6.Arockiasamy

7.Arputham

... 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 No. 1 and 2 to take necessary steps to measure the land and fix the four boundaries bearing in S.F.No.23/18 to an extent 14 Cents out of 0.11.50 Acre situated at



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Mooka Reddiypatti, Manapparai Taluk, Trichy District belonging to the petitioner with necessary police protection and issue separate patta, based on the petitioner's representation dated 21.07.2022 within a stipulated time in accordance with law.

For Petitioner : Mr.M.Prabu

For R1 to R3 : Mr.K.Balasubramani
Special 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 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.

24.08.2022

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

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To

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