

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19776 of 2022

A.Sarasu

... Petitioner

Vs.

The Tahsildar,
Marungapuri Taluk,
Thiruchirappalli District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent herein to survey the entire property bearing Survey No. 370/9B consisting of 44 Ares and 5 sq.mts. situated in Ikkaraikosukurichi Village, Marungapuri Taluk, Thiruchirappalli District, demarcate and sub divide the same by fixing the boundaries and issue separate patta in favour of the petitioner for 11 Ares and 13 sq.mts. as per the sale deed vide document No.641/2018 dated 11.04.2018 after affording an opportunity of hearing the necessary parties on the basis of the petitioners application made before the respondent herein on 11.05.2022 within a time frame fixed by this Court.

For Petitioner : Mr.B.Brijesh Kishore

For Respondent : Mr.M.Sarangan,
Additional Government Pleader.

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ORDER

The learned counsel appearing for the petitioner states that the issue regarding patta will be agitated later and that the scope of this writ petition can be confined to survey and demarcation of the property alone.

2. Liberty is granted to the petitioner to agitate the issue regarding patta later.

3. 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.

25.08.2022

Index : Yes / No

Internet : Yes/ No

PMU

G.R.SWAMINATHAN,J.

PMU

To:

The Tahsildar,
Marungapuri Taluk,
Thiruchirappalli District.

W.P.(MD)No.19776 of 202225.08.2022