



W.P.(MD)No.19817 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19817 of 2022

B.Ramamoorthy

... Petitioner

Vs

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Aruppukkottai,
Virudhunagar District.

3.The Tahsildar,
Aruppukkottai,
Virudhunagar District.

4.The District Survey Officer,
Virudhunagar District,
Virudhunagar.

5.The Inspector of Police,
Aruppukkottai Town Police Station,
Aruppukkottai,
Virudhunagar District.

6.Subramani
7.Valavandan
8.Velusamy

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 3 and 4 for taking necessary action for survey the petitioner property is situated at Virudhunagar District, Aruppukkottai Town, Chokkalingapuram, Karumpulli Veerappan Chettiyar Street in Survey No. 167/2586, Ward D, Block 42, Town survey No.49 vacant land total square feet of 2412 square feet as per the fourth respondents proceedings in A 18/18 dated 02.01.2019 with the police protection of fifth respondent and to make necessary correctness on the revenue records.

For Petitioner : Mr.A.Jeyaram

For Respondents : Mr.M.Prakash
Additional Government Pleader for R.1 to R.4

Mr.R.Sivakumar
Government Advocate (Criminal Side) for R.5

Notice Dispensed with for R.6 to R.8

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned Government Advocate (Criminal Side) appearing for the fifth respondent.

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



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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.



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(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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