

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 29.08.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.20160 of 2022**

A.Mokkasamy

... Petitioner

Vs.

1. The District Collector,
Theni, Theni District.
2. The District Revenue Officer,
Theni District,Theni.
3. The Assistant Director Survey,
Theni District.
4. The Tahsildar,
Theni Taluk, Theni District.
5. The Commissioner,
Theni Municipality,
Theni, Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey petitioner's land by fixing the boundary and to issue individual patta to petitioner's land situated in Allinagaram Revenue Village, Theni Municipality, Theni District, in old Survey No.191 having an extent of 4 Acres 58 cents in the light of the petitioner's representation dated 10.06.2022 within a stipulated time fixed by this Court.

For Petitioner : Mr.G.Kudalingam

For Respondents: Mr.K.Balasubramani,
Special Government Pleader.

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ORDER

Heard the learned counsel on either side.

2. The learned counsel appearing for the petitioner states that the relief regarding patta that he is not pressing for the present and he would agitate the same later.

3. Liberty is given to the petitioner in this regard.

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.

(VI) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken

pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid.

(VII) A copy of the survey report will be served on the parties also.

No costs.

29.08.2022

Index : Yes / No
Internet : Yes/ No

PMU

To:

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G.R.SWAMINATHAN,J.

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