



W.P(MD)No.20303 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20303 of 2022

R.Ramesh

... Petitioner

Vs.

1.The District Collector,
The District Collector Office,
Collectorate Complex,
Virudhunagar.

2.The Revenue Tahsildar,
O/o. The Revenue Tahsildar,
Taluk Office, Virudhunagar,
Virudhunagar District.

3.The Head Surveyor,
Virudhunagar Taluk Office,
Virudhunagar.

4.The Village Administrative Officer,
Pullakottai Village,
Virudhunagar Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 2nd and
3rd respondents to survey and demarcate the property of the agricultural land,



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classified as punja land, comprising in Survey No.128/6 constituting 32 cents of land out of the total 64 cents of land as well as the adjacent property comprising in the above survey number constituting 32 cents of land which are situate at pullakkottai village, virudhunagar Taluk, Virudhunagar District based on the petitioner's representation sent to the 1st and 2nd respondents dated 29.07.2022.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.G.Sivaraja,
Government Advocate.

ORDER

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.

2. 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.

(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.



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

also. No costs.

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Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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