



W.P(MD)No.20335 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.20335 of 2022

Jagaber Natchiya

... Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur, Thanjavur District.
- 3.The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.
- 4.The Assistant Director (Survey & Land Records),
Collectorate Campus, Thanjavur,
Thanjavur District.
- 5.The Tahsildhar,
Kumbakonam Taluk,
Thanjavur District.
- 6.The Deputy Inspector of Survey,
Kumbakonam Taluk,
Thanjavur District.
- 7.The Firka Surveyor,
Kumbakonam Taluk,
Thanjavur District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 5 to 7 Respondents to conduct survey of the petitioner's land in R.Sy.No. 259 / 13 (Old Sy.No.259/1) of Koranattukaruppar Village, Kumbakonam Taluk, Thanjavur District on the basis of the petitioner's Sale Deed dated 29.08.1982 and to make necessary correction in the revenue records with relating to the extent as 8 cents in the place of 5 cents within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

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

ORDER

When the matter was taken up for hearing, the learned counsel for the petitioner submitted that he would agitate the issue regarding correction in the revenue records later. The said liberty is granted to the writ petitioner. The scope of the writ petition is confined to survey and demarcation of the petitioner's land alone.

2.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.



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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.

(VI) It is made clear that at the end of the survey exercise,



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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.

30.08.2022

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

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