

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20432 of 2022
and
W.M.P(MD)No.14798 of 2022

1.C.Dinesh Kumar

2.Maruthapandian

... Petitioners

Vs.

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Kumbakonam Taluk,
Thanjavur District.

3.The Tahsildar,
Kumbakonam Taluk,
Thanjavur 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 respondents 1 to 3 to survey the land and fixed the boundaries based on petitioner's representation, dated 19.08.2022 in Survey Nos.289/1, 289/5, 289/6, 289/8 and 289/9 situated at Uthamathani Village, Kumbakonam Taluk, Thanjavur District in Document No.374/2020, 1044/2021 and 789 of 2022.

For Petitioners : Mr.T.Palanisamy
For Respondents : Mr.K.Balasubramani
Special Government Pleader

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.

(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.

Consequently, connected miscellaneous petition is closed. No costs.

30.08.2022

Index : Yes / No
Internet : Yes/ No
mga

G.R.SWAMINATHAN, J.

mga

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Kumbakonam Taluk,
Thanjavur District.
- 3.The Tahsildar,
Kumbakonam Taluk,
Thanjavur District.

W.P(MD)No.20432 of 2022

30.08.2022