

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20717 of 2022

Rathika

... Petitioner

Vs.

1.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

2.The Surveyor,
Karaikudi Taluk,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to survey the land old survey no. 32/5 and new survey no. 32/22 to an extent of 16 cents situated at Malaikandan Village, Vetriyur Post, Karaikudi Taluk, Sivagangai District and fix the boundary by considering the petitioner application vide payment of Challan dated 7.1.2022 within a time fixed by this Court.

For Petitioner : Mr.K.Sathish Kumar

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.

(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.

01.09.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

2.The Surveyor,
Karaikudi Taluk,
Sivagangai District.

G.R.SWAMINATHAN, J.

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