

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.20709 of 2022

Magamayi

... Petitioner

Vs.

1.The Tahsildar,
Peraiyur Taluk,
Madurai District.

2.The Surveyor,
Peraiyur Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to the respondents 1 and 2 to survey and demarcate the boundaries of the land in S.Nos.13/2A, 12/2B to an extent of 18 cents situated at Mallapuram Village, Soolapuram, Peraiyur Taluk, Madurai District by metes and bounds based on the communication of Revenue Divisional Officer, Usilampatti in O.Mu.No.2865/2022/A2 on 27.06.2022 and vide payment of Challan dated 18.05.2022 within the time fixed by this Court.

For Petitioner : Mr.P.Praveenkumar

For Respondents : Mr.M.Sarangan
Additional 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.

No costs.

01.09.2022

Index : Yes / No
Internet : Yes/ No
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To

1.The Tahsildar,
Peraiyur Taluk,
Madurai District.

2.The Surveyor,
Peraiyur Taluk,
Madurai District.

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G.R.SWAMINATHAN, J.

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