

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20996 of 2022

1.M.Kannan

2.M.Pannerselvam

3.Sethuraman

4.Rajendran

5.Balakrishnan

6.Nagappan

7.Muthukumaran

8.Senthilkumar

... Petitioners

Vs.

1.The Commissioner,
Kumbakonam, Corporation,
Kumbakonam,
Thanjavur District.

2.The Town Surveyor,
Survey Section,
Kumbakonam Corporation Office,
Kumbakonam,
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

herein to conduct the survey and fix the boundaries in respect of property comprised in town survey No.3/2 of an extent of 3 acres 26 cents situated at ward No.4 Block No.1, Kumbakonam town, on the basis of our application dated 23.01.2014 and also representation dated 29.08.2022 within the time stipulated by this Court.

For Petitioners : Mr.M.Mithun

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

The petitioners have 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 petitioners' 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 petitioners 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.

02.09.2022

Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The Commissioner,
Kumbakonam, Corporation,
Kumbakonam,
Thanjavur District.
- 2.The Town Surveyor,
Survey Section,
Kumbokanam Corporation Office,
Kumbakonam,
Thanjavur District.

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.20996 of 2022

02.09.2022
(2/2)