

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21094 of 2022

Petchi Thai

... Petitioner

Vs.

1. The Tahsildar,
Nanguneri Taluk, Tirunelveli District.

2. The Head Surveyor,
Nanguneri Taluk Office,
Tirunelveli District.

3. C.Muthu Pandi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct respondents 1 and 2 to survey and demarcate the four boundaries of the petitioner's land to an extent of 2.1 cents, situating in survey No.640/10 in Marukalkurichi Village, Nanguneri Taluk, Tirunelveli District, by considering the petitioner's survey payment challan receipts dated 02.12.2019, 18.04.2022 and 17.05.2022 and the petitioner's representation dated 18.04.2022 and 31.08.2022 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.M.S.Jeyakarthick

For R-1 & R-2 : Mr.N.Ramesh Arumugam,
Government Advocate.

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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.

02.09.2022

Index : Yes / No

Internet : Yes/ No

PMU

To:

1. The Tahsildar,
Nanguneri Taluk, Tirunelveli District.
2. The Head Surveyor,
Nanguneri Taluk Office,
Tirunelveli District.

G.R.SWAMINATHAN,J.

PMU

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