

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 02.09.2022****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P.(MD)No.21077 of 2022**

D.Jayakodi

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Dindigul District.
2. The Tahsildar,
Oddanchatram Taluk, Dindigul District.
3. The Head Surveyor,
Oddanchatram Taluk, Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct respondents 2 and 3 to survey and sub-divide the land in survey Nos.41/1A1 & 41/1A2 to an extent of 1702 sq.ft., situated at Oddanchatram Village and Taluk, Dindigul District, fix the boundary and issue patta in the name of the petitioner by considering the petitioner's application for sub division patta transfer under application No.2021/0105/13/213695 and payment vide challan dated 22.06.2021 within the time fixed by this Court.

For Petitioner : Mr.Y.Prakash

For Respondents: Mr.M.Prakash,
Additional Government Pleader.

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ORDER

The learned counsel appearing for the petitioner states that the issue regarding patta will be agitated later and that the scope of this writ petition can be confined to survey and demarcation of the property alone.

2. Liberty is granted to the petitioner to agitate the issue regarding patta later.

3. 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:

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G.R.SWAMINATHAN,J.

PMU

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