



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.19904 of 2021

R.Uma Jeya

... Petitioner

VS.

- 1.The District Collector,
Collector Office, Madurai Road,
Theni, Theni District.
- 2.The Revenue Divisional Officer,
Indira Nagar, Uthamapalayam Taluk,
Theni District.
- 3.The Tahsildar, Taluk Office,
Uthamapalayam Taluk, Theni District.
- 4.The Head Surveyor,
Taluk Office, Uthamapalayam Taluk,
Theni District.
- 5.The Assistant Engineer,
Public Works Department,
Uthamapalayam, Theni District.

(R5 suo motu impleaded vide court
order dated 09.11.2021)

... 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 to carry out the survey in order to check and verify the measurement of the dry lands in Survey No.171/1 measuring to an extent of 1 acre 12 cents situated at Appipatti (a) Alagapuri Village, Uthamapalayam Taluk, Theni District on the basis of the representation of the petitioner dated 21.10.2021 to the respondents.

For Petitioner : Mr.K.Safar Badhusha

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

ORDER

Heard the learned counsel on either side.

2.The petitioner has applied to the jurisdictional authority for conducting survey and sub-dividing 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.

3.The learned counsel appearing for the writ petitioner makes a declaration that he would confine his relief to survey and demarcation alone. As regards, sub-divisioning, if any, he would agitate the said issue later based on the result of the survey.



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4.Liberty is granted to the writ petitioner. 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
skm

To

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G.R.SWAMINATHAN, J.

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