

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.20531 of 2021

M.N.Umarkathap

... Petitioner

Vs.

1.The Tahsildar,
Tahsildar Office,
Kodaikanal Taluk,
Dindigul District.

2.The Taluk Surveyor,
Taluk Office,
Kodaikanal Taluk,
Dindigul District.

3.Kuppammal

4.Paulraj

5.Murugan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to accept the petitioner's fees and to survey and demarcate the petitioner's land comprised in Survey Nos.980/1 and 982, to an extent of 01.90 and 02.02 Hectares, situated at Puligundu, Kodaikanal Taluk, Dindigul District, based on

the petitioner's representation dated 04.02.2021 within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.Vikram
For R1 & R2 : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner through his counsel makes it clear that issuance of patta will be adjudicated later.

3. The scope of the present proceedings can be confined to directing conducting of survey alone. Liberty is granted to the writ petitioner to agitate the issue of patta in separate writ proceedings.

4. 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.

5. 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.

29.08.2022

Index : Yes / No
Internet : Yes/ No
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To

- 1.The Tahsildar,
Tahsildar Office,
Kodaikanal Taluk,
Dindigul District.
- 2.The Taluk Surveyor,
Taluk Office,
Kodaikanal Taluk,
Dindigul District.

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G.R.SWAMINATHAN, J.

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