

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21156 of 2021

K.Ramar

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.
- 3.The District Surveyor,
Office of the District Surveyor,
Virudhunagar District,
Virudhunagar.
- 4.The Tahsildar,
Office of the Tahsildar of Srivilliputhur,
Srivilliputhur Taluk,
Virudhunagar District.

5.S.Pragatheeswaran

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the third respondent to measure and demarcate the petitioner's property situated in S.No.216/2 of Pillaiyarnatham Village, Srivilliputhur Taluk, Virudhunagar District based on petitioner's father's sale deed and revenue documents within the time stipulated by this Court after issuing notice to the fifth respondent and other parties concerned as per the provision of survey and boundaries act and also direct him to issue certificate in accordance with the provisions of survey and boundaries act.

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.M.Prakash
Additional Government Pleader for R.1 to R.4

Mr.M.Thirunavukkarasu for R.5

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.

01.09.2022

Index : Yes / No

Internet : Yes/ No

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To

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G.R.SWAMINATHAN, J.

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