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W.P.(MD)NO.28825 OF 2022

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.12.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P.(MD)No.28825 of 2022 and**  
**W.M.P.(MD)No.22810 of 2022**

1. A.Selvaraj  
2. A.Murugan

... Petitioners

Vs.

1. The District Collector,  
District Collector Office, Dindigul.

2. The Tahsildar,  
Tahsildar Office, Athoor, Dindigul District.

3. The Deputy Surveyor,  
Deputy Tahsildar Office,  
Athoor, Dindigul District.

4. The Special Tahsildar,  
Forest Department, Dindigul.

5. The Village Administrative Officer,  
Thoppampatty, Athoor Taluk,  
Dindigul District.

6. Ampai Ravi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to measure and demark the petitioners' property in Survey No.190, Patta No.564 situated at Thoppampatty Village, Athoor Taluk, Dindigul District on the



basis of petitioner's representation dated 06.05.2022 within a time frame stipulated by this Court.

For Petitioner : Mr.R.Ganesan  
For R-1 to R-5 : Mr.M.Siddharthan,  
Additional Government Pleader.

\* \* \*

### **ORDER**

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for respondents 1 to 5.

2. Considering the nature of relief to be granted, issuance of notice to the sixth respondent is dispensed with.

3. The petitioners have 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 petitioners' request, this writ petition came to be filed.



4. 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.



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(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. The Survey Authority will pass order within a period of six weeks after service of notice on the interested persons.

(VII) A copy of the survey report will be served on the parties also.

No costs.

**22.12.2022**

Index : Yes / No  
Internet : Yes/ No

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**To:**

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Dindigul.
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Athoor, Dindigul District.
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**G.R.SWAMINATHAN,J.**

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