



W.P(MD)No.28479 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28479 of 2022

G.Anitha

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The District Revenue Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai East Taluk,
Madurai District.

4.The Surveyor,
Taluk Office,
Madurai East Taluk,
Madurai District.

5.Malaichamy

... 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 No.1 to 4 to survey the petitioner's property and fix boundary stones in respect of Survey No.45/1B to an extent of 0.39.0 Hectares, Survey No.45/5B to an extent of 0.09.50 Hectares, Survey No.45/6 to an extent of 0.28.50 Hectares situated at



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Kallanthiri 2nd Bit, Madurai East Taluk, Madurai District, as per the proceedings issued by the 2nd respondent in No. Ni.Mu.No.G2/7521/2021 dated 22.09.2022, on the basis of the petitioner's representation dated 23.09.2022, within a time frame to be stipulated by this Court.

For Petitioner : Mr.P.Krishnasamy

For Respondents : Mr.A.K.Manikkam
Special Government Pleader for R1 to R4

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



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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. 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.

20.12.2022

Index : Yes / No
Internet : Yes/ No
rmi



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G.R.SWAMINATHAN, J.

rmi

To

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