



1

W.P.(MD)NO.28866 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.28866 of 2022

Sivagami

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Palani, Dindigul District.

2. The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

3. The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

4. Mariyappan

5. Rajendran

6. Ramasamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents herein to measure and subdivide and issue the patta in favour of the petitioner with regard to property in Survey No.26/1 to an extent of 70 cents situated at



Tholipatti Village, Gujiliamparai Taluk, Dindigul District based
on his representation dated 03.06.2022.

For Petitioner : Mr.G.Gomathi Sankar

For R-1 to R-3 : Mr.M.Lingadurai,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.

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

3. 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.



WEB COPY

4. The petitioner is not pressing the prayer of sub-division and issuance of patta for the present.

5. Liberty is given to the petitioner to file a fresh writ petition as regards sub-division and issuance of patta. The scope of the writ petition is confined only regarding survey of the petition mentioned property.

6. 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



WEB COPY

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



WEB COPY

(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

PMU

To:

1. The Revenue Divisional Officer,
Palani, Dindigul District.
2. The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.
3. The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.



WEB COPY



6

W.P.(MD)NO.28866 OF 2022

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.28866 of 2022

22.12.2022