



W.P(MD)No.29081 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29081 of 2022

R.Chidambaram

... Petitioner

Vs.

1.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

2.The Village Administrative Officer,
Panjanathikottai Village,
Orathanadu Taluk,
Thanjavur District.

3.The Zonal Surveyor,
Echankottai Zone,
Orathanadu Taluk,
Thanjavur District.

4.The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.

5.Mohanasundaram

6.Aruljothi

... 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 to



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3 to conduct survey as per Tamil Nadu Survey and boundaries Act, 1923, and to fix boundaries in respect of lands comprised in comprised survey No. 59/11B2, 7/11B2, 8-1C, 59/10B, 59/8 situated at Panjanathikottai village, Orathanadu Taluk, Thanjavur District and fix the boundaries in the said survey numbers and also issue direction to 4th respondent herein to provide adequate police protection by considering the writ petitioner's application dated 31.08.2020 and 09.08.2021 within a time stipulated by this Court.

For Petitioner : Mr.S.Venkatesan
For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R3
: Mr.B.Thanga Aravindh
Government Advocate (Crl.side) for 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.



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(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. It is open to the parties to serve memo of instructions to the surveyor at the time of conducting the survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(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.



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(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.

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Index : Yes / No
Internet : Yes/ No
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To

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3.The Zonal Surveyor,
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