



1

W.P.(MD)NO.394 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.394 of 2023

M.Selvaganapathy

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office, Vedasanthur Taluk,
Dindigul District.
2. The Land Surveyor,
Vadamadurai Union Office,
Vedasanthur (Taluk),
Dindigul District.
3. The Inspector of Police,
Vadamadurai police station,
Dindigul District.
4. Saradha

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to survey and demarcate the land belongs to the petitioners in Survey No. 2412/10 to an extent of 3550 sq.ft, R.S. Road, Vadamadurai (Town), Vedasanthur, Dindigul District and mark the boundaries and provide the report to the petitioner based on his representations dated 28.11.2022, in accordance with law, within the time stipulated by this Court.



WEB COPY



2

W.P.(MD)NO.394 OF 2023

For Petitioner : Mr.M.Vigneshkumar

For R-1 & R-2 : Mr. A.K.Manikkam,
Special Government Pleader.

For R-3 : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

* * *

ORDER

Heard the learned counsel on either side.

2. Considering the nature of relief to be granted, issuance of notice to the fourth respondent 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.

4. The Writ Petition is disposed of with the following directions:-



WEB COPY

(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



WEB COPY

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.

06.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



WEB COPY



To:

1. The Tahsildar,
Taluk Office, Vedasanthur Taluk,
Dindigul District.
2. The Land Surveyor,
Vadamadurai Union Office,
Vedasanthur (Taluk),
Dindigul District.
3. The Inspector of Police,
Vadamadurai police station,
Dindigul District.



WEB COPY



6

W.P.(MD)NO.394 OF 2023

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.394 of 2023

06.01.2023