



1

W.P.(MD)NO.346 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.346 of 2023

R.Velan

... Petitioner

Vs.

The Tahsildar,
Taluk Office Orathanadu,
Thanjavur District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent to consider the petitioner's representation dated 12.12.2022 to measure the property in SR.No.164/9 for the purpose of sub division of separate patta and demarcating the property as regards its areas and extents in revenue village Neivasal, Orathanadu Taluk, Thanjavur District.

For Petitioner : Mr.A.Senthil Kumar

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader.

* * *

**ORDER**

WEB COPY

Heard the learned counsel on either side.

2. 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.

3. Though the writ prayer has been comprehensively worded, the petitioner's counsel states that he would confine the relief of seeking survey or measurement alone. The second part of the prayer, namely, for sub division and issuance of patta can be pursued in future.

4. With this liberty to the petitioner, 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.



WEB COPY

(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 the jurisdictional police are mandated to grant police protection.

(VI) It is made clear that at the end of the survey



WEB COPY

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

To:

The Tahsildar,
Taluk Office Orathanadu,
Thanjavur District.



WEB COPY



5

W.P.(MD)NO.346 OF 2023

G.R.SWAMINATHAN,J.

PMU

W.P.(MD)No.346 of 2023

06.01.2023