



W.P(MD)No.557 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 24.02.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.557 of 2023

and

W.M.P.(MD)No.562 of 2023

V.Veerasekar

... Petitioner

**Vs.**

- 1.The District Collector,  
Madurai, Madurai District.
- 2.The Revenue Divisional Officer,  
Melur Division, Madurai District.
- 3.The Tahsildar,  
Melur Taluk,  
Madurai District.
- 4.The Head Surveyor,  
Taluk Office, Melur Taluk,  
Madurai District.
- 5.R.K.Suresh
- 6.C.Subbaiah
- 7.S.Ananthi

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 3 and 4 not to conduct any survey in the petitioners properties in Survey No. 164-9F, 164-9Q



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and 164-9V, Keelavalavu Village, Melur Taluk, Madurai District by considering his representation dated 29.12.2022.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.G.Suriyananth,  
Addl. Government Pleader for R1 to R4.  
No appearance for R5 to R7.

### **ORDER**

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 to 4. Though notice was issued to the private respondents, they appear to refuse to accept service.

2.The private respondents want survey to be conducted. It is stated by the learned Additional Government Pleader that in respect of Survey No. 164/9F, survey has already been conducted. In respect of the remaining survey numbers, the petitioner is having objections. The third respondent will dispose of the application filed by the private respondents in respect of the remaining survey number in the following directions:-



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(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 by a speaking order. 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 on 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



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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.

3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

**24.02.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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