



W.P(MD)No.1443 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1443 of 2023

M.Thamilarasi

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
O/o. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.

3.The Taluk Land Surveyor,
O/o. The Taluk Land Surveyor,
Sayalkudi, Kadaladi Taluk,
Ramanathapuram District.

4.R.Ilango

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to survey the petitioner's land in Survey No.285/9 in an extent of 65 cents situated at Naripaiyur group, Kadaladi Taluk, Ramanathapuram District by considering the



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fee paid on 15.07.2021 and consequently grant separate patta to the petitioner by considering her representation dated 09.11.2022, 28.11.2022 and 29.12.2022 within the time stipulated by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1 to R3.

ORDER

The writ prayer is in two parts. As regards, issuance of patta, the same can be agitated later. Liberty is given to the petitioner.

2.The scope of this writ petition is confined only for conducting survey.

This 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.



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(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 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



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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.

24.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
O/o. The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
O/o. The Tahsildar,
Kadaladi Taluk,
Ramanathapuram District.
- 3.The Taluk Land Surveyor,
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G.R.SWAMINATHAN, J.

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