



W.P(MD)No.935 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)No.935 of 2023
and
W.M.P.(MD)No.837 of 2023**

Karuppayee

... Petitioner

Vs.

**1.The District Collector,
Madurai District,
Madurai.**

**2.The Revenue Divisional Officer,
Tirumangalam,
Madurai District.**

**3.The Tahsildar,
Tirumangalam Taluk,
Madurai District.**

**4.The Deputy Circle Inspector,
(Land Survey),
Office of the Land Surveyor,
Tirumangalam,
Madurai District.**

5.Sivaraja

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from conducting any survey in the petitioner's property situated in Old S. No.183/3, New S. No.186/3 (to an extent of 1 acres 74 cents) at Mela Urappanur Village, Tirumangalam Taluk, Madurai District without considering the objection made by the petitioner dated 09.01.2023 in compliance of the order passed by this Honble Court in WP (MD) No.15385 of 2022.

For Petitioner : Mr.R.Maheswaran

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1 to R4.

Mr.N.Sathish Babu for R5.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants this Court to forebear the official respondents from conducting any survey in the petition mentioned property. According to the petitioner, it belongs to her. The survey exercise was directed to be undertaken only by an order passed by this Court in W.P.(MD)No.15385 of 2022. The said order speaks for itself and it does not in any way affect the rights of the petitioner. The authority has been directed to issue notice before



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conducting survey. This ought to have been given. If the authority has failed to give any prior notice, it shall be given. The petitioner is at liberty to lodge her objections. The authority has to pass a speaking order on the petitioner's objections. If the petitioner's objections are over-ruled, that does not mean that the authority can conduct survey immediately thereafter. The authority must give six weeks breathing time to the petitioner to move appropriate Court for appropriate relief. I make it clear that survey shall not be done in violation of the earlier directions given by this Court. Even though in the order obtained by the private respondents certain directions have not been given, the following directions are also implied:-

“(I) 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.

(II) A copy of the survey report will be served on the parties also.”



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3.The writ petition is disposed of accordingly. The learned Additional Government Pleader is directed to communicate this order to the third respondent without waiting for order copy. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Tirumangalam,
Madurai District.
- 3.The Tahsildar,
Tirumangalam Taluk,
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G.R.SWAMINATHAN, J.

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