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W.P.(MD)NO.1080 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1080 of 2023

V.Jebaraj Issac

... Petitioner

Vs.

1. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

2. The Taluk Head Surveyor,
O/o.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

3. Esther

4. Muthiah Ebenesar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Tahsildar, Ottapidaram Taluk, Thoothukudi District, the first respondent herein to pass proper, necessary and suitable orders to the Taluk Head Surveyor, Ottapidaram Taluk, Thoothukudi District, the second respondent herein, to survey and demarcate the lands of the petitioner to an extent of about Southern 3 cents out of Southern 6 cents out of the larger extent of 24 cents comprised in No. 967C/1B2,



Savarimangalam Village, Ottapidaram Taluk as per the title documents of the petitioner, and patta in Joint Patta No. 1678, Savarimangalam Village, thereby considering the representation of the petitioner dated 03.12.2022, within a time frame as may be fixed by this Court, by allowing the above writ petition.

For Petitioner : Mr.G.Aravinthan

For R-1 & R-2 : Mr.M.Lingadurai,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.

2. Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

3. The learned counsel appearing for the petitioner states that the petitioner confines his prayer to seeking survey



and measurement of the petition mentioned land alone. He will pursue the claim regarding issuance of patta subsequently. Liberty is given to the petitioner as prayed for.

4. 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.

5. 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.

(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



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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 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.

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

No costs.

20.01.2023

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

To:

1. The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
2. The Taluk Head Surveyor,
O/o.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.



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G.R.SWAMINATHAN,J.

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