



W.P(MD)No.1232 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.1232 of 2023

K.Pushpa

... Petitioner

Vs

1.The Tahsildar,
Madurai South Taluk,
Collector Office,
Madurai.

2.The Surveyor,
Madurai South Taluk,
Collector Office,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner representation dated 03.12.2022 to measure the petitioner's land and to issuance of patta in the petitioner name the land is comprised in Re-Survey No.2/2 of an extent of 6 cents and Re-Survey No.2/1 of an extent of 2 cents punja land in total 8 cents in Patta No.122 and site No.113 situated at Viraganoor Village, Madurai South Taluk, Madurai District may be fixed stipulated time.



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For Petitioner : Mr.T.R.Subramanian
For Respondents : Mr.M.Linga Durai
Special Government Pleader

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.

(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



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objector is unable to obtain any injunction order, the survey can very well go on. It is open to the parties to serve memo of 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 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.

There shall be no order as to costs.

24.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The Tahsildar,
Madurai South Taluk,
Collector Office,
Madurai.

2.The Surveyor,
Madurai South Taluk,
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G.R.SWAMINATHAN, J.

MGA

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