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W.P.(MD)NO.1454 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1454 of 2023

1. P.Saravanan

2. P.U.Mauli

... Petitioners

Vs.

1. The Tahsildar,
Thiruparangunram Taluk,
Madurai District.

2. The Head Surveyor,
Thiruparangunram Taluk,
Madurai District.

3. The Inspector of Police,
Thiruparangunram police station,
Madurai District.

4. Gopalsamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondents to survey the petitioners' land bearing Survey No. 20/8A2 situated at Motta Colony, Kurinchi Street, Thiruparangunram Taluk, Madurai District and fix the four boundaries as per revenue records with adequate police protection of the 3rd respondent based on the 1st petitioners'



application dated 27.12.2022 within the time limit that may be stipulated by this Court.

For Petitioners : Mr.M.Iniyavan

For R-1 & R-2 : Mr.G.Suriyananth,
Additional Government Pleader.

For R-3 : Mr.B.Thanga Aravindh,
Government Advocate(Crl. Side).

* * *

ORDER

Heard the learned counsel appearing for the writ petitioners and the learned Additional Government Pleader appearing for respondents 1 and 2 and the learned Government Advocate appearing for the third respondent.

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

3. The petitioners have 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 petitioners' request, this writ petition came to be filed.

4. 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 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



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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.

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

No costs.

25.01.2023

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

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Thiruparangunram Taluk, Madurai District.
2. The Head Surveyor,
Thiruparangunram Taluk,
Madurai District.
3. The Inspector of Police,
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G.R.SWAMINATHAN,J.

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