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W.P.(MD)NO.1546 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1546 of 2023

R.Rajasekaran

... Petitioner

Vs.

1. The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.

2. The District Surveyor,
District Survey and Land Records Department,
Ramanathapuram District.

3. The Taluk Surveyor,
Kamuthi Taluk,
Ramanathapuram District.

4. V.Sivakumar

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to survey and determine the boundaries of the petitioner's land in S.No.173/9a1B, Sengapadai, Pudhukottai Post, Kamuthi Taluk, Ramanathapuram District, admeasuring 1776 square feet (165 square meters) under section 10 of the Tamilnadu Survey and Boundaries Act, 1923 within the time frame that may be stipulated by this Court.



For Petitioner : Mr.Y.Prakash

For R-1 to R-3 : Mr.M.Siddharthan,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 to 3.

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

3. 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.



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 applicant to move the jurisdictional civil Court for agitating his rights.

(V) If required, the survey authority is



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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.

27.01.2023

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

1. The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
2. The District Surveyor,
District Survey and Land Records Department,
Ramanathapuram District.
3. The Taluk Surveyor,
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G.R.SWAMINATHAN,J.

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