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W.P.(MD)NO.1522 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.1522 of 2023

M.Kumar

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office, Melur,
Melur Taluk,
Madurai District.

2. The Head Surveyor,
Taluk Office, Melur,
Melur Taluk,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to survey and mark four boundaries of the petitioner's land property in Survey No.422/3, E. Malam Patti Village, Melur Taluk with the extent of 0.27.0 acres (66.6 cents) based on the petitioner's representation dated 28.03.2022 and subsequent representation dated 05.01.2023 within a stipulated time that may be fixed by this Court.



For Petitioner : Mr.R.Karunanidhi

For Respondents : Mrs.S.Jeyapriya,
Government Advocate (Crl. Side).

* * *

ORDER

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.

2. 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,



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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 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



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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
PMU

To:

1. The Tahsildar,
Taluk Office, Melur,
Melur Taluk,
Madurai District.
2. The Head Surveyor,
Taluk Office, Melur,
Melur Taluk,
Madurai District.



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G.R.SWAMINATHAN,J.

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