



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.1554 of 2023

Jamilabegam

... Petitioner

Vs.

1. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

2. The Head Surveyor,
Uthamapalayam Taluk,
Theni District.

3. The Inspector of Police,
Bodinayakanoor Taluk police station,
Theni District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey and mark the four boundary of petitioner's property and petitioner's son property to the extent of 1 acre 27 cents situated at vide patta No.4481 in Survey No.412/3A, 412/4A and extent of 1 acre 70 cents situated vide patta No.4464 in Survey No.412/1 at Pottipuram Village, Uthamapalayam Taluk, Theni District, and consequently direct the 3rd respondent to give police protection at the time of survey the land alone within a specific period as fixed by this Court.



For Petitioner : Mr.S.Balaji

For R-1 & R-2 : Mr.B.Saravanan,
Additional Government Pleader.

For R-3 : Mr.B.Thanga Aravindh,
Government Advocate.

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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.



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(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 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



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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
PMU

To:

1. The Tahsildar,
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Theni District.
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Theni District.
3. The Inspector of Police,
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G.R.SWAMINATHAN,J.

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