



W.P(MD)No.1838 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.03.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.1838 of 2023

Anvar Ali

... Petitioner

**Vs.**

1.The Tahsildar,  
Ambasamudram Taluk,  
Tirunelveli District.

2.The Surveyor,  
Ambasamudram Taluk,  
Tirunelveli District.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to survey and fix boundaries in Punja Survey Nos.73/2A and 73/24B to the total extent of 0.27.50 Hectares and 0.28.50 Hectares respectively situated at South Pappankulam Village, Kallidaikurichi Sub Registration Circle, Ambasamudram Taluk, Tirunelveli District by considering the petitioner's online receipt dated 24.06.2022 within a stipulated period as framed by this Court.



**W.P(MD)No.1838 of 2023**

For Petitioner : Mr.A.Sankararamasubramanian

For Respondents : Mr.G.Suriyananth,  
Addl. Government Pleader.

### **ORDER**

When the matter was taken up for hearing, the learned Additional Government Pleader submitted that survey was also conducted. I called upon the respondents atleast to serve a copy of the survey report. The survey report should contain the sketch drawn by the surveyor. No such report has been made available. Instead a statement attributed to the petitioner has also been produced. It is insufficient. Therefore, 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



W.P(MD)No.1838 of 2023

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. It is open to the parties to serve memo on 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



**W.P(MD)No.1838 of 2023**

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.

**01.03.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
ias

To:-

1.The Tahsildar,  
Ambasamudram Taluk,  
Tirunelveli District.

2.The Surveyor,  
Ambasamudram Taluk,  
Tirunelveli District.



WEB COPY



**W.P(MD)No.1838 of 2023**



WEB COPY



**W.P(MD)No.1838 of 2023**

**G.R.SWAMINATHAN, J.**

ias

**W.P(MD)No.1838 of 2023**

**01.03.2023**