



W.P(MD)No.1997 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1997 of 2023

Sivakumar

... Petitioner

Vs

1.The Tahsildar,
Sankarankovil Taluk,
Tenkasi District.

2.The Head Surveyor,
Department of Land Survey,
Sankarankovil Taluk Office,
Sankarankovil,
Thenkasi District.

3.The Chief Survey Officer,
Survey Department,
Southern Railway,
EVR Road,
Egmore, Chennai.

4.The Station Master,
Railway Station,
Southern Railway,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to carry out the



W.P(MD)No.1997 of 2023

appropriate survey and demarcate the boundaries of the petitioner's land in Survey No. 579/2, 579/3, 579/4 and 580/2 which is situated in Panthapuli Revenue village, Sankarankovil Taluk, Thenkasi district based on the petitioner's Survey Payment Challan Number 20230121002959, 20230121002691 dated 21.01.2023 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Ponraj

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.3

Mr.V.Malaiyendran
Central Government Standing Counsel
for R.4

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.



W.P(MD)No.1997 of 2023

(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. It is open to the parties to serve memo of 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.



W.P(MD)No.1997 of 2023

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(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.

01.02.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

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To

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W.P(MD)No.1997 of 2023

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W.P(MD)No.1997 of 2023

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.1997 of 2023

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