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W.P.(MD)NO.2133 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2133 of 2023

Vijayakannan

... Petitioner

Vs.

1. The Tahsildar,
Tirumangalam Taluk,
Madurai District.

2. The Surveyor,
Tirumangalam Taluk,
Madurai District.

3. Babu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to measure / survey, sub-divide and issue patta for the properties comprised in S.No.223/3 to an extent of 0.23.5 ares alternately 58 cents out of it excluding 47 cents on the western side on the eastern side an extent of 11 cents, S.No.223/4 to an extent of 0.22.5 ares alternately 55 ½ cents out of it on the eastern side an extent of 4 cents totally to an extent of 15 cents, Thirali Village Post, Tirumangalam Taluk, Madurai District, on the basis of the application dated 19.01.2023.



also to the interested persons, if any.

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(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 empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.



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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.

02.02.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Tahsildar,
Tirumangalam Taluk,
Madurai District.
2. The Surveyor,
Tirumangalam Taluk,
Madurai District.



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5

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G.R.SWAMINATHAN,J.

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