



W.P(MD)No.2171 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2171 of 2023

and

W.M.P.(MD)No.1960 of 2023

Chinnasamy

... Petitioner

Vs.

1.The Thasildhar,
Oddanchatram Taluk,
Dindigul District.

2.The Firka Surveyor,
Oddanchatram Taluk,
Dindigul District.

3.The Sub Inspector of Police,
Ambiligai Police Station,
Dindigul District.

4.The Village Administrative Officer,
Devathur Village,
Oddanchatram Taluk,
Dindigul District.

5.K.Murugesan

6.Velusamy

... 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 1 to



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4 to do a re-survey in Survey Nos.319, 320/2A and 320/3 situated at Devathur Village by following the conditions imposed by this Court in W.P.(MD) No.17286 of 2022 dated 03.08.2022 and by considering the petitioner representation dated 22.12.2022.

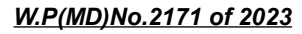
For Petitioner : Mr.D.Venkatesh

For Respondents : Mrs.S.Jeyapriya,
Government Advocate for R1 & R2.
Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R3.
Mr.S.R.Sureshkumar for R6.
No appearance for R5.

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate for the respondents 1, 2 and 4, the learned Government Advocate (Crl. Side) for the third respondent and the learned counsel for the sixth respondent.

2.The sixth respondent submitted an application for conducting survey. It is stated that based on the said application, the survey was conducted. However, proper survey report has not been served on the petitioner. If the petitioner wants to conduct re-survey, the petitioner has to give a formal



petitioner, the said application shall be disposed of with the following terms:-

any.

the adjacent land owners / interested persons shall be considered.

will be taken note of.



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(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 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. Consequently, connected miscellaneous petition is closed.

01.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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G.R.SWAMINATHAN, J.

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