



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P (MD) No.2830 of 2023

N.Shanmugapriya

... Petitioner

Vs.

1.The District Collector,
Madurai District,Madurai.

2.The Superintendent of Police,
District Police Office,Madurai District.

3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.

4.The Thasildar,
Vadipatti Taluk,
Madurai District.

5.The Taluk Surveyor,
Vadipatti Taluk,
Madurai District.

6.The Village Administrative Officer,
Alanganallur Village,
Vadipatti Taluk,
Madurai District.

7.S.Rengarajan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 4 & 5 to execute the surveyor order dated 20.01.2023 and laying boundary stone with the help of police in **(*)S.No.268/6G1**, in Alanganallur Village, Vadipatti Taluk, Madurai District as per revenue records.

For Petitioner : Mr.J.Gunaseelanmuthiah
For Respondents : Mr.A.K.Manikkam
Special Government Pleader
for R1 to R6

: No appearance for R7

**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.

(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.

(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 parties also.
No costs.

Sd/-

Assistant Registrar (CO)

(*) Corrected as per the order of this Court dated 20.06.2023 made in WMP(MD)No.10929 of 2023 in W.P(MD)No.2830 of 2023

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

rmi

To

(*) To be substituted to the order already despatched on 21/03/2023

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Superintendent of Police,
District Police Office,
Madurai District.
- 3.The Inspector of Police,
Alanganallur Police Station,
Madurai District.
- 4.The Thasildar,
Vadipatti Taluk, Madurai District.
- 5.The Taluk Surveyor,
Vadipatti Taluk, Madurai District.
- 6.The Village Administrative Officer,
Alanganallur Village,
Vadipatti Taluk, Madurai District.

+1 CC to M/s.J.GUNASEELANMUTHIAH, Advocate (SR-29367[F])

+1 CC to M/s.SPL.GP (SR-11345[F] dated 28/02/2023)

W.P(MD)No.2830 of 2023
24.02.2023

MGJ(17.03.2023) 3P 9C

RD(27/06/2023) 3P 9C