



W.P(MD)No.3052 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.3052 of 2023

I.Benjamin

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sankarankovil, Tenkasi District.

2.The Tahsildar,
Thiruvankadam Taluka Office,
Thiruvankadam Taluka,
Tenkasi District.

3.The District Surveyor,
Tenkasi District,
Tenkasi.

4.The Inspector of Police,
Kuruvikulam Police Station,
Kuduvikulam, Tenkasi District.

5.V.Paalthurai

6.V.Veerakumar

7.V.Kanagaraj

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the 1st respondent to



W.P(MD)No.3052 of 2023

direct the 3rd respondent to survey the lands in Survey No.150/6, 7, 10 an extent of 66.5 Cents in South Kuruvikulam, Thiruvankadam Taluk, Tenkasi District with proper protection from the 4th respondent by considering the petitioner's representation dated 28.01.2023 and for other such reliefs within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1 to R4.
No appearance for R5 to R7.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the respondents 1 to 4.

2.When the matter was taken up for hearing, the learned Special Government Pleader submitted that on 08.11.2022 survey was conducted and four boundaries were also chose. It is insufficient. The survey report must be properly prepared. It must also contain sketch also. The petitioner has given an application dated 28.01.2023. It shall be disposed of with the following directions:-



W.P(MD)No.3052 of 2023

(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 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.



W.P(MD)No.3052 of 2023

(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.

01.03.2023

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



W.P(MD)No.3052 of 2023

WEB COPY

To:-

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sankarankovil, Tenkasi District.
- 2.The Tahsildar,
Thiruvankadam Taluka Office,
Thiruvankadam Taluka,
Tenkasi District.
- 3.The District Surveyor,
Tenkasi District,
Tenkasi.
- 4.The Inspector of Police,
Kuruvikulam Police Station,
Kuduvikulam, Tenkasi District.



WEB COPY



W.P(MD)No.3052 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.3052 of 2023

01.03.2023