



W.P(MD)No.4094 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4094 of 2023

and

W.M.P.(MD)No.3932 of 2023

S.Raju

... Petitioner

Vs.

1.The Thasildhar,
Madurai West,
Madurai District.

2.The Town Surveyor,
Survey Department,
Madurai Corporation,
Madurai District.

3.T.K.S.Durga Lakshmi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the 2nd respondent dated 27.01.2023 in proceedings Na.Ka.No.D2/0052/8, quash the same as the same is arbitrary, ultravires, contrary to the judgment and decree passed in A.S.No.139/2002 on the file of 1st Additional Subordinate Court, Madurai.



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For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Special Government Pleader for the official respondents.

2.The petitioner questions the impugned survey notice. I had consistently held that whenever an application for conducting survey is submitted, the survey authority will not straightaway undertake to conduct survey. He must issue notice to the adjacent land owners and other interested persons. Their objections must be received and considered. A speaking order must be passed thereafter. If the objections are over-ruled, even thereafter, survey cannot be done. A breathing time should be given to the objector to move the jurisdictional Civil Court questioning the rejection order. I have also held that while conducting survey, if necessary police aid can be taken. But then, fencing should not be put up and only survey stones can be installed. No person can be dispossessed in the guise of conducting survey. Since several safeguards have already been put in place in many orders of this Court, I am



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confident that the first respondent will adhere to the settled procedure. Liberty is given to the petitioner to lodge his objections before the first respondent.

3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias
Issue order copy on 01.03.2023.

To:

- 1.The Thasildhar,
Madurai West,
Madurai District.
- 2.The Town Surveyor,
Survey Department,
Madurai Corporation,
Madurai District.



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G.R.SWAMINATHAN, J.

ias

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