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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.3887 of 2023

Ganapathi ... Petitioner

Vs.

1.The Tahsildar,
Thiruvengadam Taluk,
Thiruvengadam,
Tenkasi District.

2.The Head Surveyor,
Department of Land Survey,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tenkasi District.

3.The Chief Survey Officer,
Survey Department,
Southern Railway,
EVR Road,
Egmore, Chennai.

4.The State Master,
Railway Station,
Southern Railway,
Sivakasi,
Virudhunagar District. ... Respondents

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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 to carry out the appropriate survey and demarcate the boundaries of the petitioner's land in Survey No.686A/2B, 686B/1A, 687A/2B, 687B/1, 688A/2B and 690/1A2 which is situated in Karisthan Revenue Village, Thiruvengadam Taluk, Tenkasi District based on the petitioner's survey payment Challan No: 20230221013661, dated 21.02.2023 and 2023022001893, dated 20.02.2023, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.P.Ponraj

For Respondents : Mr.M.Siddharthan
Additional Government Pleader for R1 to R3

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. The petitioner's counsel asserts that the application given by the petitioner for conducting survey is in order.

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.

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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. 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

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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

Index : Yes / No
Internet : Yes/ No
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To

1.The Tahsildar,
Thiruvengadam Taluk,
Thiruvengadam,
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G.R.SWAMINATHAN, J.

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