



W.P(MD)No.4375 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4375 of 2023

and

W.M.P.(MD)Nos.4106 and 4107 of 2023

M.Rakkammal

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.The Block Development Officer,
Sedapatti Union Block,
Sedapatti, Madurai District.

4.The Taluk Surveyor,
Peraiyur Taluk,
Madurai District.

5.Ramasamy

6.Karuppaiah Selvam

7.Vimala

8.Sumathi

... 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, directing the official respondents to grant necessary permission and protection, on completion of survey of the land comprised in the assignment order dated 02.11.2015 for the land comprised in S.No.68/1D, 2F, 57/4C2 of Pallapatti Village, Peraiyur Taluk, Madurai District for the petitioner to complete the construction in the land, on the basis of the petitioner's representation dated 07.02.2023 within the time stipulated by this Court.

For Petitioner : Mr.G.Ramanathan

For Respondents : Mr.M.Siddharthan,
Addl. Government Pleader for R1 to R4.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the official respondents. Issuance of notice to the private respondents is dispensed with.



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2.Though quite a few reliefs have been sought in the writ petition, the learned counsel for the petitioner confines the same for conducting survey alone.

3.The petitioner was issued with the petition mentioned assignment order. It is categorically asserted by the learned counsel for the petitioner that this assignment order is still holding good. It is also stated that the application for conducting survey is in proper format and that it is otherwise in order.

4.In view of the aforesaid submissions made by the learned counsel for the petitioner, the writ petition is disposed of in 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



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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.



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(VII) A copy of the survey report will be served on the parties

also. No costs. Consequently, connected miscellaneous petitions are closed.

03.03.2023

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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