



W.P(MD)No.7232 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7232 of 2020

and

W.M.P.(MD)No.6679 of 2020

S.Murugesan

... Petitioner

Vs.

- 1.The Inspector General of Registration,
Santhom High Road, Santhom,
Chennai-600 028.
- 2.The District Registrar (Audi) (Admin) (I.C),
Department of Registration,
Tenkasi, Tirunelveli District.
- 3.The Tahsildar,
Veerakeralam Pudur Village and Taluk,
Tirunelveli District.
- 4.The Head Surveyor,
Veerakeralam Pudur Village and Taluk,
Tirunelveli District.
- 5.M.Thangaraj
- 6.R.Paramasivan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the 3rd and 4th respondents to



W.P(MD)No.7232 of 2020

measure the measurements in the property bearing Survey No.865/3 situated at Ayan Surandai Village, Tenkasi District and ear-mark the boundaries of the Petitioner's property on the basis of the title deed bearing Document No.3903/2017 dated 08.11.2017 registered in the office of the Sub Registrar, Surandai, Tenkasi District pursuant to the order passed by the 1st Respondent dated 05.10.2018 made in No.58086/U-1/2017 confirming the order of the 2nd Respondent herein dated 07.03.2018 made in 4918/Aa/2018 forthwith.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mrs.S.Jeyapriya,
Government Advocate for R1 to R4.

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.



W.P(MD)No.7232 of 2020

(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 by a speaking order. 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.

(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



W.P(MD)No.7232 of 2020

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. Consequently, connected miscellaneous petition is closed.

24.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Inspector General of Registration,
Santhom High Road, Santhom,
Chennai-600 028.
- 2.The District Registrar (Audi),(Admin)(I.C),
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- 3.The Tahsildar,
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Tirunelveli Distict.



W.P(MD)No.7232 of 2020

4.The Head Surveyor,
Veerakeralam Pudur Village and Taluk,
Tirunelveli District.



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W.P(MD)No.7232 of 2020

G.R.SWAMINATHAN, J.

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W.P(MD)No.7232 of 2020

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