



W.P(MD)No.9343 of 2021

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.9343 of 2021

Narmatha

... Petitioner

Vs.

1.The Tahsildar,
Madurai South,
Madurai.

2.The Head Surveyor,
Madurai South,
Madurai.

... Respondents

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 survey and demarcate the petitioner's property in Survey No.2/2, Resurvey No. 2/2B, Sub Division Survey No.2/2B2, with extent of 28 cents out of 2 acres 35 cents situated at Raman Kulam Village, Kusavan Kundu, Madurai South Taluk, Madurai and restore the petitioner's patta No.425 based on the application dated 08.04.2021 within a time stipulated by this Court.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.M.Lingadurai
Special Government Pleader



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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 petitioner is permitted to submit a fresh application for conducting survey. 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



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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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G.R.SWAMINATHAN, J.

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(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,
Madurai South,
Madurai.

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Madurai.

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