



W.P(MD)No.11798 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.11798 of 2020

K.Muthukoodalingam

... Petitioner

Vs.

- 1.The Assistant Director,
O/o.District Land Survey,
Collectorate,
Thoothukudi 628 101,
Thoothukudi District.
- 2.The Revenue Divisional Officer,
O/o.RDO, Kovilpatti,
Thoothukudi District.
- 3.The Tashildar,
Taluk Office,
Ottapidaram,
Thoothukudi District.
- 4.The Surveyor,
South Veerapandiapuram Village,
Office At: Talulk Office, Ottapidaram,
Thoothukudi District.
- 5.The Village Administrative Officer,
South Veerapandiapuram Village,
Office At, Taluk Office,
Ottapidaram,
Thoothukudi District.



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6.S.Kamureddy

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 3rd respondent to postpone the survey at S.No.283 (new. No.442) at A.Kumarettiarpuram Village till the disposal of the petition dated 16.07.2020 on the file of the 2nd respondent.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1 to R5.
Mr.B.Rajesh Saravanan for R6.

ORDER

Heard the learned counsel on either side.

2.The sixth respondent has submitted an application for conducting survey. The petitioner is opposing the same. The request of the sixth respondent shall be disposed by the first respondent in the 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 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



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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.

24.02.2023

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

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4.The Surveyor,
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5.The Village Administrative Officer,
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G.R.SWAMINATHAN, J.

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