



W.P.(MD) No.11801 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :11.05.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11801 of 2023

M.Ahamed Masthan

... Petitioner

Vs.

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.

2. The Thasildhar,
Taluk Office,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to survey and fix the boundary of the above mentioned properties and transfer the patta to petitioner's name instead of petitioner's father name for the properties situated in the above said Survey numbers at Aappanoor Village,



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A.Poonavasal Village, K.Veppankulam Village and S.Tharaikudi Village in Kadaladi Taluk, Ramanathapuram District in the light of petitioner's last representation dated 02.05.2023, within a stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.R.Senthil Kumar
For Respondents : Mr.S.Shanmugavel
Additional Government Pleader

ORDER

The learned counsel appearing for the petitioner states that he is not pressing the prayer regarding a transfer of patta. He states that the said issue would be agitated separately. Liberty is granted to the petitioner.

2. 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.



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3. 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.

(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



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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.

11.05.2023

NCC :No
Internet :Yes
Index :No
PKN

To

1. The District Collector,
Ramanathapuram,
Ramanathapuram District.
2. The Thasildhar,
Taluk Office,
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G.R.SWAMINATHAN, J.

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