



W.P.(MD).No.12415 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD).No.12415 of 2023

Palanisami

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tashildar,
Dindigul East Taluk,
Dindigul District.

3.The Taluk Surveyor,
Dindigul East Taluk,
Dindigul District.

4.M.Sakthivel

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbear the 3rd respondent not to survey the land comprised in New Sub Division Survey No.66/12 of an extent of 0.1.14 Ares situated at Kappiliyapati, Mullipadi Village, Dindigul District and consider the petitioner's representation dated 20.05.2023.

For Petitioner : Mr.P.Chandrasekar

For R-1 to R-3 : Mr.A.Kannan

Additional Government Pleader

For R-4 : Mr.C.Ezhilarasu



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ORDER

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The prayer in the present Writ Petition is for issuance of Mandamus forbearing the third respondent from surveying the land comprised in New Sub Division Survey No.66/12 of an extent of 0.1.14 Ares situated at Kappiliyapati, Mullipadi Village, Dindigul District.

3. Earlier, the fourth respondent herein had approached this Court in W.P.(MD).No.15709 of 2020 dated 24.02.2023 seeking for survey of the same property in which the following directions were issued:

“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.

(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



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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 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.”



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4. When this Court had specifically given directions for survey of the land, the present prayer seeking to forbear the third respondent not to survey the land cannot be sustained. It is needless to point that while the survey is conducted, the respondents 2 and 3 shall strictly abide by the directions given by this Court in W.P.(MD).No.15709 of 2020 dated 24.02.2023, which have been extracted above.

5. With the above observations, this Writ Petition is closed. There shall be no order as to costs.

25.05.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To

- 1.The District Collector,
Dindigul District,
Dindigul.
- 2.The Tashildar,
Dindigul East Taluk,
Dindigul District.
- 3.The Taluk Surveyor,
Dindigul East Taluk,
Dindigul District.



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M.S.RAMESH, J.

Lm

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