



W.P(MD)No.14577 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14577 of 2023

Annalakshmi

... Petitioner

Vs.

1.The Thasildhar,
Usilampatti Taluka,
Madurai District.

2.The Head Surveyor,
Usilampatti Taluka,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to survey and measure petitioner's land with regard to property at Survey No.212/3B1B in Karumatthur Revenue Village, Usilampatti Taluka, Madurai District with regard to petitioner's sale deed in Doc.No.547/2011 on the file of the Sub Register, Sekkanoorani by considering petitioner's application in challan number 20230426002670 dated 26.04.2023.



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For Petitioner : Mr.K.Vignesh

For Respondents : Mr.M.Prakash,
Addl. Government Pleader.

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ORDER

The petitioner wants to survey to be done in respect of the petition mentioned property on the strength of the sale deed bearing Document No.547/2011 on the file Sub Register, Sekkanoorani.

2.When the matter was taken up for hearing, the learned Additional Government Pleader submitted that survey was already done on 19.11.2022 based on village accounts. I wanted the respondents to produce the copy of the survey sketch and survey report. Survey sketch is not forthcoming. Therefore, survey already done is virtually of no use. Hence, the respondents are directed to conduct fresh survey.

3.The Writ Petition is disposed of with the following directions:-

(I) The survey authority will scrutinize if the application



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instructions to the surveyor at the time of conducting survey.

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The same will be borne in mind. While it cannot be binding on the surveyor, the same will be taken note of.

(VII) 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.

(VIII) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(IX) 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.

(X) The survey authority will conclude the entire exercise one way or the other within a period of six weeks after service of notice on the interested persons.



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(XI) A copy of the survey report along with sketch will

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11.12.2023

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

1.The Thasildhar,
Usilampatti Taluka,
Madurai District.

2.The Head Surveyor,
Usilampatti Taluka,
Madurai District.



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G.R.SWAMINATHAN, J.

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