



W.P.(MD)No.15342 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.(MD)No.15342 of 2023
and W.M.P(MD)No.12936 of 2023
and W.M.

Chitra

... Petitioner

Vs.

1.The Tahsildar,
Madurai East Taluk,
Madurai District.

2.The Firka Surveyor,
Madurai Collector Office Campus,
Madurai District.

3.S.Ananthan Sethu

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 19.06.2023 of the first respondent in F.I.No.Nil/2023 and consequently forbear the first respondent from conducting Survey in S.No.5/5A and 6/5 situated at Poolamkulam Village, Sakkimangalam, Madurai East Taluk, Madurai District without following the directions issued by this



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Court by order dated 26.08.2022 in W.P.No.19866 of 2022.

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For Petitioner : Mr.J.Anandkumar
For R1 & R2 : M/s.D.Farjana Ghoushia
Special Government Pleader

ORDER

I must place my appreciation to the learned counsel for the petitioner, who stated that the protest petition given by the petitioner had been taken note of by the respondents 1 and 2 and they had fixed the date for enquiry.

2. The entire issue had commenced with the third respondent. He has filed a Writ Petition in W.P(MD)No.19866 of 2022 seeking a direction to the respondents to survey and fix the boundaries of the petitioner's land of 2 Acres 52 cents, comprised in Survey Nos.5/5A and 6/5 of Poolankulam Village, now in Madurai East Taluk. A learned single Judge of this Court, after considering the entire issue, had passed the following order:

“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.



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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 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. 2/4
<https://www.mhc.tn.gov.in/judis> W.P(MD)No.19866 of 2022

(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.

(VII) A copy of the survey report will be served on the



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parties also”.

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3. This Writ Petition has been filed in the apprehension that the respondents 1 and 2 may not following the said directions.

4. As stated above at the beginning, the learned counsel for the petitioner had voluntarily stated that the respondents 1 and 2 had taken note of the objections raised by the petitioner and had fixed the date for enquiry. Hence, no order is required. Accordingly, this Writ Petition is disposed of without issuing notice to the third respondent with the confidence that the respondents 1 and 2 shall follow the aforementioned directions of the learned single judge in W.P.(MD)No. 19866 of 2022 dated 24.08.2022. No costs. Consequently, connected miscellaneous petitions are closed.

27.06.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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To,

1.The Tahsildar,
Madurai East Taluk,
Madurai District.

2.The Firka Surveyor,
Madurai Collector Office Campus,
Madurai District.



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C.V.KARTHIKEYAN, J.

CM

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