



W.P(MD)Nos.17113 & 17116 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.17113 & 17116 of 2020

A.Theivakani ... Petitioner in W.P.(MD)No.17113 of 2020

V.Udayar ... Petitioner in W.P.(MD)No.17116 of 2020

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Assistant Director,
Department of Rural Development and Panchayat Raj,
Ramanathapuram District,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kamuthi,
Ramanathapuram.
- 4.The Tahsildar,
Office of the Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
- 5.The Block Development Officer,
Rural Development and Panchayat Raj,
Office of the Block Development Officer,
Kamuthi,
Ramanathapuram.



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6.The Inspector of Police,
Kovilangulam Police Station,
Ramanathapuram District.

7.The Village Administrative Officer,
O.Karisalkulam Village Panchayat,
O.Karisalkulam Village,
Kamuthi,
Ramanathapuram District.

8.The Firka Surveyor,
Kamuthi Firka,
Kamuthi,
Ramanathapuram District.

9.The President,
O.Karisalkulam Village Panchayat,
O.Karisalkulam Village,
Kamuthi,
Ramanathapuram District.

... Respondents

Prayer in W.P.(MD)No.17113 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 3 to 8 to conduct survey in S.No.159/1A and 159/1B, O.Karisalkulam Village of the Ramanathapuram District and to identify the four boundaries of the respective survey numbers by meet some bounds with adequate police protection within a time stipulated by this Court.

Prayer in W.P.(MD)No.17116 of 2020 : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 3 to 8 to conduct survey in S.No.159/2, O.Karisalkulam Village of the Ramanathapuram District and to identify the four boundaries of the respective survey numbers by meet some bounds with adequate police protection within a time stipulated by this Court.



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For Petitioner : Mr.S.Ramsundarvijayraj
for M/s.Veera Associates

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R4, R7 & R8

: Mr.B.Thanga Aravindh
Government Advocate (Crl.side) for R6
: Mr.M.Thilagar for R9

(in both W.Ps.) : No appearance for R5

COMMON ORDER

The petitioners have 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 petitioners' request, these writ petitions came to be filed.

2. These Writ Petitions are disposed of with the following directions:-

(I) The petitioners are permitted to submit a fresh application for conducting survey. The survey authority will issue notice to the writ petitioners 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.



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(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 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.



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- 4.The Tahsildar,
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Ramanathapuram District.
- 5.The Inspector of Police,
Kovilangulam Police Station,
Ramanathapuram District.
- 6.The Village Administrative Officer,
O.Karisalkulam Village Panchayat,
O.Karisalkulam Village,
Kamuthi,
Ramanathapuram District.
- 7.The Firka Surveyor,
Kamuthi Firka,
Kamuthi,
Ramanathapuram District.

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