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W.P.(MD)NO.18080 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.18080 of 2015 AND
W.M.P.(MD)No.4980 of 2016

D.HelanIda

... Petitioner

Vs.

1. The District Collector,
O/o.The Collectorate Buildings,
Nagercoil,
Kanyakumari District.

2. The Tahsildar,
Kalkulam Taluk,
Thucklay,
Kanyakumari District.

3. The Land Surveyor,
Kalkulam Taluk,
Thucklay,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to measure and fix the four boundaries of the petitioner's property comprised in resurvey No.119/6B measuring 5½ cents equivalent to 2395.8 sq.ft. on the petitioner's representation dated 25.11.2014 and 08.12.2014 and to pass orders on merits within a stipulated time frame as may be fixed by this Court.



For Petitioner : Mr.M.Ponniah

For Respondents: Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner wants survey to be done in respect of the petition-mentioned property. The petitioner is having patta in her favour. The petitioner is permitted to apply afresh before the second respondent. The petitioner's application will be accompanied by patta as well as the sale deed.

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.



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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.

(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

WEB COPY 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. Consequently, connected MP. is closed.

13.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The District Collector,
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Nagercoil, Kanyakumari District.
2. The Tahsildar,
Kalkulam Taluk,
Thucklay,Kanyakumari District.
3. The Land Surveyor,



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W.P.(MD)NO.18080 OF 2015

Kalkulam Taluk,
Thucklay, Kanyakumari District.

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G.R.SWAMINATHAN,J.

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