



**W.P(MD)No.21231 of 2015**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 22.08.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.21231 of 2015

A.Yasmin (Died)

1.A.Sajith Menon

2.A.Sakina

3.A.Tayub

4.A.Ameera

... Petitioners

*(P1 to P4 are suo motu substituted vide order dated 01.08.2023 in W.P.(MD)No.21231 of 2015 by GRSJ)*

Vs.

1.The Tahsildar,  
Madurai North,  
Madurai District.

2.The Surveyor,  
Madurai North,  
Office at Collectorate,  
Madurai- 625 020.

3.A.Salay Mohammed

... Respondents

*(R3 is suo motu impleaded vide order dated 01.08.2023 in W.P.(MD)No.21231 of 2015 by GRSJ)*



**W.P(MD)No.21231 of 2015**

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd Respondent to consider petitioner representation dated 16.09.2015 and to measure the land and issue sketch for the land situated at Kannikudi village, Ayan Nanja having resurvey and UDR Survey No.1/18 to an extent of 3 acres on the southern side of the land 1 acre 50 cents was divided as Housing Plot namely “S.R.JANGIDD NAGAR-1”, plot No.20A which was Registered under document No.1949/2008 at Thamaraipatti Sub Registrar Office Madurai North Taluk, Madurai District within a time to be fixed by this Court.

For Petitioners : Mr.T.R.Subramanian

For Respondents : Mr.D.Gandhiraj,  
Spl. Government Pleader for R1 & R2.

### **ORDER**

Heard the learned counsel for the petitioner and the learned Special Government Pleader for the official respondents.

2.This writ petition was filed by Mrs.A.Yasmin. She has passed away and her legal heirs have been brought on record. The original writ



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petitioner purchased Plot No.20A vide document dated 25.02.2008. She only wants the same to be surveyed, measured and four boundaries fixed.

3.No exception can be taken to the petitioner's request. This writ petition is disposed of in 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 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.



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(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 parties also. No costs.

**22.08.2023**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**G.R.SWAMINATHAN, J.**

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