



W.P(MD)No.555 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

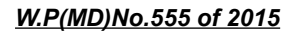
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Gowriammal

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Deputy Superintendent of Police,
Anti-Land Grabbing Special Cell,
Nagercoil,
Kanyakumari District.
- 3.The Tahsildar,
Thovalai Taluk,
Boothapandi,
Kanyakumari District.
- 4.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
Suchindram,
Kanyakumari District.
- 5.The Special Tahsildar,
Natham and Urban Land Tax Scheme,
Nagercoil,
Kanyakumari District.



7.N.Jegadeeswari

... Respondents

For Petitioner : Mr.G.Thiruvartuselvam

For Respondents : Mr.R.Ragavendran
Government Advocate for R1 to R3, R5 & R6

: Mr.H.Thayumanaswamy for R4

: Mr.M.Sankar for R7

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks survey and demarcation of the land comprised in as many as three survey Nos.215/10A, 53 and 12, Boothapandy Village. It is submitted by the respondents that R.S.No. 215/53 belongs to the 7th respondent. R.S.No.215/12 belongs to the



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temple coming under the 4th respondent. R.S.No.215/10 alone belongs to the petitioner. It is open to the petitioner to submit a fresh representation for conducting survey of her lands.

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.

(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. It is open to



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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.

(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. The Survey Authority will pass order within a period of six weeks after service of notice on the interested persons.



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

No costs.

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

- 1.The District Collector,
Kanyakumari District,
Nagercoil.
- 2.The Deputy Superintendent of Police,
Anti-Land Grabbing Special Cell,
Nagercoil,
Kanyakumari District.
- 3.The Tahsildar,
Thovalai Taluk,
Boothapandi,
Kanyakumari District.
- 4.The Special Tahsildar,
Natham and Urban Land Tax Scheme,
Nagercoil,
Kanyakumari District.
- 5.The Circle Sub-Inspector,
Natham and Urban Land Tax Scheme,
Nagercoil, Kanyakumari District.

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