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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)No.22186 of 2021

Kanimozhi ... Petitioner

Vs

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Vedachandur Taluk,
Dindigul District.

3.The Superintendent of Police,
Dindigul District.

4.The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.

5.Vengayee Ammal ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey, demarcate and fix boundary for the land in Survey No.966/5 having an extent of Hectare 0.2.00, Survey No.966/2 having an extent of Hectare 0.13.00 and Survey No.966/1 having an extent of Hectare 0.27.00 comprised having an

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extent of the Ayyallur Village, Vedachandur Taluk, Dindugal District by demarcating and fixing the boundary in the presence of fourth respondent police.

For Petitioner : Mr.Muthumalai Raja

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 & R.2

Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)
for R.3 & R.4

ORDER

The petitioner has 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 petitioner's request, this writ petition came to be filed.

2. The Writ Petition is disposed of with the following directions:-

(I) The petitioner is permitted to submit a fresh application for conducting survey. 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. 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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(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.

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

There shall be no order as to costs.

01.03.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

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2.The Tahsildar,
Vedachandur Taluk,
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4.The Inspector of Police,
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G.R.SWAMINATHAN, J.

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