



W.P(MD)No.24139 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24139 of 2022

M.Alagumurugan

... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Theni District,
Theni.

2.The Tahsildar,
Office of the Tahsildar,
Periyakulam Taluk,
Theni District.

3.M.Arivalagan

4.R.Jeyakannu

5.S.Govindharajan

6.S.Uthaya Narayanan

7.R.Raja Moorthy

8.S.Shanmugam

9.S.Balakumar

10.M.Paalthurai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing first respondent to direct the



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second respondent not to do any survey process and not to issue patta in respect of property in Old Survey No.2011/1, New Survey No.2011/1A2A an extent of 1 Acre 2 Cents in Thamaraikulam Village, Periyakulam Taluka, Theni District based on the bogus documents viz., Registered Power of Attorney Document No. J+I, 43/1999 dated 01.04.1999 and Sale Deeds Document No.1460/1999 dated 13.07.1999, 371/1999 dated 03.01.2000, 1330/2000 dated 25.04.2000, 2510/2020 dated 04.11.2020, 2673/2021 dated 11.10.2021, 1909/2022 dated 15.07.2022 executed by the respondents 3 to 10 by considering the petitioner's representation dated 05.09.2022 and for other such reliefs, within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.G.Suriyananth
Additional Government Pleader
for R.1 & R.2

Mr.T.Pon Ramkumar for R.7

Mr.P.Muthu Viajaya Pandian for R.9

No Appearance for R.3 & R.8

ORDER

Heard the learned counsel on either side.

2.This writ petition has been filed by the petitioner for forbearing the survey authority for conducting survey at the instance of the contesting private respondent / the seventh respondent. Such a prayer need not be entertained at present. Based on the application of the seventh respondent, the survey



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authority can very well issue notice to the petitioner also. The petitioner can lodge his objections. The application submitted by the seventh respondent shall be disposed of in the following terms:

(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 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



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jurisdictional civil Court for agitating his rights.

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(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.

(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



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To

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Theni.

2. The Tahsildar,
Office of the Tahsildar,
Periyakulam Taluk,
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G.R.SWAMINATHAN, J.

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