



W.P(MD)No.24382 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24382 of 2022

M.Kandasamy

... Petitioner

Vs.

- 1.The District Revenue Officer,
Trichy,
Trichirappalli District.
- 2.The Tahsildar,
Trichy West,
Cantonment,
Trichirappalli District.
- 3.The Assistant Director of Land Surveyor Section,
Trichirappalli District.
- 4.The Land Surveyor,
Ponmalai Zone,
Trichirappalli District.
- 5.The Commissioner,
Trichirapalli Corporation,
Contonment,
Tiruchirapalli District.
- 6.The Principal Town Surveyor,
Trichirapalli Corporation,
Ponmalai Kottam,



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Near TVS Tollgate,
Tiruchirapalli District.

... Respondents

(R5 & R6 are impleaded vide order dated 09.11.2022 in W.M.P.(MD)No.19313 of 2022 in W.P.(MD)No.24382 of 2022 by VBSJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider petitioner's application dated 29.08.2022 and the subsequent representation dated 05.09.2022 made to the 1st respondent and the representation made to all the respondents on 01.10.2022 and survey the properties and identify the boundaries to the petitioner's properties in Survey Nos.5/1, 5/24, 5/25, 5/26, 5/27, 5/28, 5/29, 5/30, 5/31, 5/32 and 5/33 of Ward AC K.Abisekapuram, Block 21, Ponmalai Zone, Trichy Corporation, Trichy West Taluk, Trichy District.

For Petitioner : Mr.J.Alaguraam Jothi

For Respondents : Mr.M.Lingadurai,
Spl. Government Pleader for R1 to R4.
Mr.K.R.Kishore Ram,
For M/s.R.B.Associates for R5 & R6.

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.



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2. 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 by a speaking order. 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 on 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.



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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. 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.

24.02.2023

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

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