



W.P(MD)No.25563 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25563 of 2022

M.Mahendran

... Petitioner

Vs

- 1.The District Collector,
Office of the District Collector,
Thanjavur District.
- 2.The Assistant Director,
District Surveyor Office,
District Collectorate Office Campus,
3rd Floor,
Thanjavur District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Kumbakonam,
Thanjavur District.
- 4.The Tahsildar,
Tiruvidaimaruthur,
Thanjavur District.
- 5.P.Prabhu

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to survey the petitioner's land in Survey Number.186/2, Tirupanandhal Mearkku Village No.35/2, Tiruvidaimaruthur Taluk, Thanjavur District by considering the petitioner's representation dated 24.09.2022 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.4

No Appearance for R.5

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.



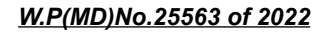
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(II) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(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.



There shall be no order as to costs.

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

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G.R.SWAMINATHAN, J.

MGA

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