



W.P(MD)No.25045 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25045 of 2023

K.Velsamy

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thirumangalam,
Madurai District.

2.The Revenue Tahsildar,
Office of the Revenue Tahsildar,
Taluk Office,
Kallikudi Taluk,
Madurai District.

3.The Village Administrative Officer,
Office of the Village Administrative Officer,
T.Arasappatti,
Kallikudi Taluk,
Madurai District.

4.The Taluk Surveyor,
Office of the Taluk Surveyor,
Sivarakottai,
Kallikudi Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd and 4th respondents to sub-divide and demarcate the boundaries of property of the



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petitioner's vacant land and consequently to issue individual patta in his favour by the 2nd Respondent, property of punja vacant land comprising in Punja Re-Survey No.231/14 constituting 5 cents, situated at T.Arasappatti, Thirumangalam, Madurai District, based on the petitioner's representation sent to the respondents dated 07.07.2023.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner seeks survey and demarcation of the boundaries. This request cannot be complied with for the present. This is because, the petitioner is having joint patta and not separate patta. The petitioner must obtain individual patta before making an application for conducting survey. The petitioner has already given an application before the second respondent for issuance of individual patta. The same will be considered on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order.

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



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(I) The survey authority will scrutinize if the application submitted by the petitioner is in order.

(II) The petitioner will have to enclose all the relevant documents such as patta. If the petitioner is having only a joint patta, he must get consent from co-pattadors for conducting survey.

(III) 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.

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

(V) 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.

(VI) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. The same will be borne in mind. While it cannot be binding on the surveyor, the same



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will be taken note of.

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(VII) 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.

(VIII) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(IX) 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.

(X) The survey authority will conclude the entire exercise one way or the other within a period of six weeks after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will be served on the parties. No costs.

16.10.2023

Index : Yes / No
Internet : Yes/ No
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To

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G.R.SWAMINATHAN, J.

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