



W.P(MD)No.25094 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25094 of 2023

and

W.M.P.(MD)No.21289 of 2023

G.Surendran

... Petitioner

Vs.

1.The Tahsildar,
Trichy East Taluk,
Trichy.

2.The Taluk Surveyor,
Trichy Taluk,
Trichy.

3.The Revenue Divisional Officer,
Trichy.

4.Raghupathy

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from conducting any survey in T.S.No. 33/1A6, Block 13, Ward AV, Kottapattu Village, Trichy District without reference to the boundaries of the petitioner's property in T.S.No. 33/1B, Block 13, Ward AV, Kottapattu Village, Trichy District.



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For Petitioner : Mr.G.Prabhu Rajadurai

For Respondent : Mr.K.Balasubramani
Special Government Pleader for R1 to R3

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader for R1 to R3. Issuance of notice to R4 is dispensed with.

2. The petitioner apprehends that while conducting survey at the instance of the fourth respondent, his property rights will be infringed. He would further allege that when the petitioner submitted application for survey, the authorities are not accepting the charges. The petitioner is directed to submit survey application by Thursday itself. The petitioner's survey application and the survey application of the fourth respondent will be taken up together. The survey applications shall be dealt with in the following manner:-

(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



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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 will be taken note of.

(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



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mandated to grant police protection.

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(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.

3. The Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

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