



W.P(MD)No.25630 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.10.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25630 of 2023

Priya

... Petitioner

Vs.

1.The District Collector,
Madurai, Madurai District.

2.The Tahsildar,
Office of the Taluk Office,
Vadipatti, Madurai District.

3.The Head Surveyor,
Taluk Office,
Vadipatti Taluk,
Madurai District.

4.The Inspector of Police,
Palamedu Police Station,
Madurai District.

5.Rajavel

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents No.2 and 3 to survey and demarcate the petitioner's properties to an extent of 4 acre, 1 cent comprised in Survey No.62/1 in



W.P(MD)No.25630 of 2023

Patta No.409 and extent of 1 acre, 30 cents comprised in Survey No.59 in patta No.725, situated at Konappatti Village, Vadipatti Taluk, Madurai District on the basis of the petitioner application dated 11.09.2023 within a time frame fixed by this Court.

For Petitioner : Mr.B.Arun

For Respondents : Mr.M.Sidharthan,
Addl. Government Pleader for R1 to R3.
Mr.A.Albert James,
Government Advocate for R4.

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.This writ petition is disposed of at the admission stage itself. It is open to any aggrieved party to move this Court either by way of review or recall of this order, if there is any suppression of material facts by the petitioner.



W.P(MD)No.25630 of 2023

WEB COPY

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 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.



W.P(MD)No.25630 of 2023

WEB COPY

(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.

20.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Collector,
Madurai, Madurai District.
- 2.The Tahsildar,
Office of the Taluk Office,
Vadipatti, Madurai District.
- 3.The Head Surveyor,
Taluk Office,
Vadipatti Taluk,
Madurai District.
- 4.The Inspector of Police,
Palamedu Police Station,
Madurai District.



WEB COPY



W.P(MD)No.25630 of 2023

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.25630 of 2023

20.10.2023