



W.P(MD)No.25470 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25470 of 2023

N.Sethuraman

... Petitioner

Vs.

1.The Tahsildar,
Madurai South Taluk,
Madurai District.

2.The Head Surveyor,
Madurai South 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, directing the respondents to survey and fix four boundaries in Patta No. 834, R.S.No. 22/5 (measuring about 45 cents) situated at Viraganoor Village, Madurai South Taluk, Madurai District as per the provision contemplated under the Sections 9 and 10 of the Tamil Nadu Survey and Boundaries Act, 1923 within the time frame fixed by this Court.



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For Petitioner : Mr.T.Xavier Devsahayam
For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader

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.

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

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



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(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.

(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.



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(XI) A copy of the survey report along with sketch will be

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19.10.2023

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

MGA

To

1.The Tahsildar,
Madurai South Taluk,
Madurai District.

2.The Head Surveyor,
Madurai South Taluk,
Madurai District.



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G.R.SWAMINATHAN, J.

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