



W.P(MD)No.26294 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26294 of 2023

A.John Rose

... Petitioner

Vs.

1.The Tahsildar,
Nanguneri Taluk,
Tirunelveli.

2.The Head Surveyor,
Nanguneri Taluk,
Tirunelveli.

3.The Taluk Surveyor,
Nanguneri Taluk,
Tirunelveli.

... 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 1 and 3 to furnish the details regarding requisite fee to be paid by the petitioner and to conduct survey as per Tamil Nadu Survey and boundaries Act, 1923 and to fix the boundaries in respect of Ayan



W.P(MD)No.26294 of 2023

Punja land comprised in Survey Nos. 261A/5A, 262A/2 “O” and 262A/5 situated in Elankulam Village, Nanguneri Taluk, Tirunelveli District by considering petitioner's application dated 24.06.2022 within the time stipulated by this Court.

For Petitioner : Mr.P.Rajesh

For Respondents : Mr.K.Balasubramani
Special 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.



W.P(MD)No.26294 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.26294 of 2023

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(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.

03.11.2023

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

To

- 1.The Tahsildar,
Nanguneri Taluk,
Tirunelveli.
- 2.The Head Surveyor,
Nanguneri Taluk,
Tirunelveli.
- 3.The Taluk Surveyor,
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W.P(MD)No.26294 of 2023

G.R.SWAMINATHAN, J.

SKM

W.P(MD)No.26294 of 2023

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