



W.P(MD)No.26395 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26395 of 2023

S.Santhanalakshmi

... Petitioner

Vs.

1.The Tashildar,
Sivakasi Taluk,
Sivakasi, Virudhunagar District.

2.The Taluk Surveyor,
Sivakasi Taluk,
Sivakasi, Virudhunagar 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 issue patta in petitioner's name in respect of lands in S.No.1505/1A (76 Cents - 0.30.50 Hec.rs), 1505/1B (86 Cents - 0.35.0 Hec.rs) total extent of 1.62 acre and S.No.1504/3B to the extent of 61 (0.24.50 Her.rs) situating in Enjar Village, Sivakasi Taluk, Virudhunagar District based on the sale deed in D.No.8039 of 2021 on the file of the SRO, Sivakasi dated 06.09.2021 by considering the petitioner's application to the respondent dated 21.11.2022 within the period stipulated by this Court.



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For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

ORDER

The writ prayer is in two parts. As regards, issuance of patta, the same can be agitated later. Liberty is given to the petitioner. The scope of this writ petition is confined only for conducting survey.

2.When the matter was taken up for hearing, the learned Government Advocate informed the Court that the petitioner's on-line application was negatived. If the petitioner re-applies, the respondents are ready to consider the same. The said submission is recorded.

3.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.



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4.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.



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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.



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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.

06.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1.The Tashildar,
Sivakasi Taluk,
Sivakasi,
Virdhunagar District.

2.The Taluk Surveyor,
Sivakasi Taluk,
Sivakasi,
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G.R.SWAMINATHAN, J.

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