



W.P(MD)No.28484 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.28484 of 2023

and

W.M.P.(MD)No.24537 of 2023

H.Gangadharan

... Petitioner

**Vs.**

1.The Tahsildar,  
Gandharvakottai Taluk,  
Gandharvakottai,  
Pudukkottai District.

2.The Inspector of Police,  
Gandharvakottai Police Station,  
Gandharvakottai,  
Pudukkottai District.

3.Santha

4.Prakasa Valli

... 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 1 and 2 respondents from rendering any assistance either to measure or taking delivery of possession of Survey No.42/1D2B extent 0.03.25 of Akachipatti Village, Kattunaval Revenue Village, Gandharvakottai Taluk, Pudukkottai District without any specific order passed by the competent civil court in separate execution petition file for taking possession.



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For Petitioner : Mr.D.Parisuthanathan  
For Respondents : Mr.M.Prakash  
Additional Government Pleader for R1  
: Mr.A.Albert James  
Government Advocate for R2

### **ORDER**

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1 and the learned Government Advocate for R2. Issuance of notice to R3 & R4 is dispensed with.

2. The fourth respondent had submitted an application for conducting survey. The survey authority had issued intimation to the petitioner in this regard. The petitioner through his counsel had sent legal notice setting out his objection.

3. As and when application for conducting survey is filed and the writ petition is instituted for conducting survey, the said writ petition is disposed of in the following terms:-

(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



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documents such as patta. The applicant must have individual patta in his / her name. If he / she is having joint patta, co-pattadars must given their consent 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. 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



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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.

(XI) A copy of the survey report along with sketch will be served on the parties.

The respondents 1 & 2 are directed to adhere to the directions mentioned above. No costs. Consequently, connected miscellaneous petition is closed.

4.The Writ Petition is disposed of accordingly. No costs.

**01.12.2023**

Index : Yes / No  
Internet : Yes/ No  
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To

- 1.The Tahsildar,  
Gandharvakottai Taluk,  
Gandharvakottai,  
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- 2.The Inspector of Police,  
Gandharvakottai Police Station,  
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**G.R.SWAMINATHAN, J.**

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