



W.P(MD)No.28609 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28609 of 2023

and

W.M.P.(MD)Nos.24673 and 24675 of 2023

M.Shanmugasundaram

... Petitioner

Vs.

1.The Thasildar,
Singampunari Taluk,
Sivagangai District.

2.The Surveyor,
Singampunari Taluk,
Sivagangai District.

3.M.Ramadurai

4.R.Selva Sivakani

5.S.Chinnammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned order passed by the 1st Respondent vide



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his impugned proceedings in Nil dated 24.11.2023 and quash the same as illegal.

For Petitioner : Mr.S.Mohamed Suhail,
For M/s.Ajmal Associates.

For Respondents : Mr.M.Sidharthan,
Addl. Government Pleader for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 and 2.

2.The petitioner has received notice from the first respondent for conducting survey at the instance of the private respondents. The learned counsel for the petitioner states that survey is to be done on 05.12.2023 and that the apprehension is that it may be done without following the usual procedures.

3.It is true that the fifth respondent filed W.P.(MD)No.8109 of 2017. It was disposed of on 03.10.2023. That does not mean that the



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direction usually given by this Court can be disregarded. Whenever a writ petition is filed for conducting survey, it is disposed of in the following directions:-

(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. 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



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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 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.

4.The respondents 1 and 2 shall adhere to the norms laid down above.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

04.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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Issue order copy on 04.12.2023.



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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The Thasildar,
Singampunari Taluk,
Sivagangai District.
- 2.The Surveyor,
Singampunari Taluk,
Sivagangai District.

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