



W.P(MD)No.28705 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28705 of 2023

S.Natarajan

... Petitioner

Vs.

1.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

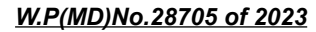
2.The Head Surveyor,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to survey and fix the boundaries in resurvey No.724/2 totally measuring about 3 acres 90cents which the petitioner was allotted to a share of 1 acre 30 cents as per the Joint Release partition deed in joint patta no.300 and issue separate Patta to the petitioner which is situated at pathai village (part-I), Nanguneri Taluk, Tirunelveli District as per the provision contemplated under the section 9 and 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and Section 3 of the Tamil Nadu Patta Passbook Act 1983.

For Petitioner : Mr.K.Mohammed Farook

For Respondents : Mr.K.Balasubramani
Special Government Pleader



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.

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

(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.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.



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(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 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



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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. No costs.

06.12.2023

Index : Yes / No
Internet : Yes/ No
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To

1.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.

2.The Head Surveyor,
Nanguneri Taluk,
Tirunelveli District.



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G.R.SWAMINATHAN, J.

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