



W.P(MD)No.29522 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29522 of 2023

R.Balakumaran

... Petitioner

Vs.

1.The District Collector

Karur District,

Karur

2.The Tahsildar,

Kulithalai Taluk,

Kulithalai,

Karur 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



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second Respondent to conduct a survey of the petitioner's property comprised in S.No.349/3 to an extent of 11 cents situated at Thogaimalai Village, Kulithalai Taluk, Karur District, and to issue a separate Patta for the same, on the basis of the Petitioner's petitions dated 22.09.2023 and 23.11.2023.

For Petitioner : Mr.P.Kalaiyarasi Bharathi

For Respondents: Mr.M.Prakash,

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The prayer in the Writ Petition is for conducting survey and issuance of separate patta. The patta No.978 stands in the name of Karruppasamy and Rajendran. Rajendran is the petitioner's father. If only there is a consensus among the joint pattadhars, survey can be done and based on the same, separate patta can be



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issued. If consensus could not be arrived at, the petitioner has to necessarily move the jurisdictional civil Court for relief. Even if there is consensus among the joint pattadhars, still the usual procedures will have to be followed and the survey authority will bear the following directions in mind:

(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.



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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.



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(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.



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3. This writ petition is disposed of, accordingly. No costs.

13.12.2023

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

RM

To:

1.The District Collector
Karur District,
Karur

2.The Tahsildar,
Kulithalai Taluk,
Kulithalai,
Karur District.



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G.R.SWAMINATHAN, J.

RM

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