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W.P.(MD)NO.29694 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.29694 of 2023

Periyasamy

... Petitioner

Vs.

1. The Tahsildar,
Taluk Office, Thuraiyur,
Trichy District.
2. The Taluk Head Surveyor,
Taluk Office,
Thuraiyur,
Trichy District.
3. Subramani
4. Alagar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to measure the land and fix the boundaries in respect of the lands situated in S.No.418/6A, S.No.418/6B and S.No.418/7 situate in Eechampatti, Koppampatti Village, Thuraiyur Taluk, Trichy District.

For Petitioner : Mr.N.Mohan

For R-1 & R-2 : Mr.M.Prakash,
Additional Government Pleader.

* * *



consistently holding that the exercise of survey shall not lead to dispossession. Only four boundaries will be identified and the boundary stones will be laid and nothing else. The petitioner's application will be considered 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 documents such as patta.

(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



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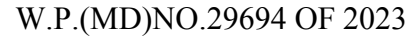
objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(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



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G.R.SWAMINATHAN,J.

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