



W.P(MD)No.30288 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30288 of 2023

Selvamani

... Petitioner

Vs.

1.The Commissioner,
Trichy City.

2.The Assistant Commissioner,
K.Abishegapuram Division,
Trichy West,Trichy.

3.The Tahsildar,
Trichy East Taluk Office,
Trichy.

4.The Town Surveyor,
K.Abishegapuram Division,
Trichy West, Trichy.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to make Subdivision of the petitioner's property in Survey No. 29 situated at Devathanam Village, Trichy East Taluk, Trichy District



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and consequently issue separate patta to him based on the petitioner's Application dated on 13.10.2023.

For Petitioner : Mr.K.Arunraj
For Respondents : Mr.V.Nirmal Kumar
Government Advocate

ORDER

Heard both sides.

2.The petitioner wants subdivisioning of his property. He has already submitted an application before the fourth respondent. Whenever applications for conducting survey are submitted, the same are directed to be 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 documents such as patta. The applicant must have individual patta in his / her name. If he / she is having joint patta, co-pattadars must give their consent for conducting survey.



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(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.



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(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.

(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 fourth / second respondent shall adhere to the aforesaid directions and conduct survey. Thereafter report shall be submitted by the fourth /



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second respondent before the third respondent. The third respondent will issue separate patta and subdivide the property based on the report of the fourth / second respondent. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

3.This writ petition is disposed of accordingly. There shall be no order as to costs.

19.12.2023

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

To

- 1.The Commissioner,
Trichy City.
- 2.The Assistant Commissioner,
K.Abishegapuram Division,
Trichy West,Trichy.
- 3.The Tahsildar,
Trichy East Taluk Office,
Trichy.



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G.R.SWAMINATHAN, J.

MGA

4.The Town Surveyor,
K.Abishegapuram Division,
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