



W.P.(MD).No.1136 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.1136 of 2024

B.Indira

... Petitioner

vs.

1.The Tahsildar,
Singampunari Taluk,
Sivagangai District.

2.The Surveyor,
S.V.Mangalam Firka,
Singampuneri Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to measure the petitioner's property and fix the four boundaries in S.No. 303/4A5 situated at S.V.Mangalam Village, Singampuneri Taluk, Sivagangai District, based on the petitioner's application dated 07.03.2023.

For Petitioner

: Mr.P.Aju Tagore

For R1 & R2

: Mr.SRA.Ramachandran

Additional Government Pleader



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to measure the petitioner's property and fix the four boundaries in S.No.303/4A5 situated at S.V.Mangalam Village, Singampuneri Taluk, Sivagangai District, based on the petitioner's application dated 07.03.2023.

2. According to the petitioner, she has filed a petition before the first respondent on 07.03.2023, seeking to survey the land in S.No. 303/4A5 along with other two S.Nos.292/3 and 312/2B. Since the said petition has not been considered so far, the petitioner has filed the present writ petition.

3. This writ petition is disposed of at the admission stage itself. It is open to any aggrieved party to move this Court either by way of review or recall of this order, if there is any suppression of material facts by the petitioner.



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4. This Writ Petition is disposed of with 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 give 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 that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to



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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.

(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.



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(XI) A copy of the survey report along with sketch will

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22.01.2024

akv

To

1.The Tahsildar,
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Sivagangai District.

2.The Surveyor,
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V.BHAVANI SUBBAROYAN,J.

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