



W.P.(MD).No.1948 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1948 of 2024

U.Saminathan

... Petitioner

vs.

1.The District Collector,
Thanjavur,
Thanjavur District.

2.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

3.The Head Surveyor,
Department of Taluk Survey,
Thanjavur Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 to 3 more particularly the second respondent to consider the petitioner's representation dated 13.10.2023 and pass orders directing the third respondent to make necessary survey and measurement for the metes and bounds in respect of the properties bearing Survey Nos.76A/18 and 76A/19 situated at Kollankarai Village, Thanjavur Taluk, Thanjavur District and also to permit the petitioner to capture the entire surveying process through video camera forthwith.



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For Petitioner : Ms.Juliet Caroline
For R-1 to R-3 : Mr.SRA.Ramachandran,
Additional Government Pleader

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 3, more particularly the second respondent to consider the petitioner's representation dated 13.10.2023 and pass orders directing the third respondent to make necessary survey and measurement for the metes and bounds in respect of the properties bearing Survey Nos.76A/18 and 76A/19 situated at Kollankarai Village, Thanjavur Taluk, Thanjavur District and also to permit the petitioner to capture the entire surveying process through video camera forthwith.

2. The case of the petitioner is that the petition mentioned property belongs to the petitioner. He obtained patta for the said property. On earlier occasion, when the petitioner approached this Court, in W.P(MD)No.7751 of 2022, this Court vide order dated 22.04.2022, directed the officials to consider the petitioner's representation and conduct survey. However, survey was not conducted properly. Hence,



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the petitioner preferred an appeal to conduct survey and to record the entire process of surveying through a video camera. In this regard, the petitioner made a representation before the second respondent on 13.10.2023. The petitioner has paid the necessary fees also. However, no steps have been taken by the respondents 2 and 3. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. Considering the above facts, this Court, without expressing any opinion on the merits of the matter, passes the following order:

(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



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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 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



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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 at the cost of the petitioner.

(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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With the above directions, the writ petition stands disposed of.

No Costs.

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Index: Yes/No

NCC: Yes/No

PM

To

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V.BHAVANI SUBBAROYAN,J.

PM

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