



W.P(MD)No.1984 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1984 of 2024

D.Muthuraja

... Petitioner

Vs.

- 1.The Tahsildar,
Madurai South Taluk,
Madurai District.
- 2.The Head Surveyor,
Madurai South Taluk,
Madurai District.
- 3.The Firka Surveyor,
Viraganoor Village,
Madurai South Taluk,
Madurai District.
- 4.The Inspector of Police,
Silaiman Police Station,
Madurai District.
- 5.A.Jayachandran
*(R.5 is impleaded vide order of
this Court dated 02.04.2024)*

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to survey, demarcate and determine the boundary of the petitioner's land property in old S.No.75/1 new S.No.75/28A and Patta No.899 measuring to an extent 33 Cents land out of 9 Acres 5 Cents situated at Viraganur Village, Madurai South Taluk, Madurai District based on the petitioner's application dated 22.12.2023 and consequently direct the fourth respondent to give police protection at the time survey the said above land within a specific period as fixed by this Court.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 to R.3

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.4

Mr.F.Deepak for R.5

ORDER

Heard both sides.

2.The petitioner wants survey to be conducted for the petition mentioned land. The petitioner claims that his father's vendors' names



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are found in the joint patta.

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3.The learned counsel appearing for the impleaded respondent strongly denies the claim put forth by the petitioner. The impleaded respondent has filed a typed set of papers.

4.I do not want to go into the contentious aspects. The first respondent is directed to dispose of the petitioner's application by adhering to 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



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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. No costs.

02.04.2024

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

To

1.The Tahsildar,
Madurai South Taluk,
Madurai District.

2.The Head Surveyor,
Madurai South Taluk,

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Madurai District.

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3.The Firka Surveyor,
Viraganoor Village,
Madurai South Taluk,
Madurai District.

4.The Inspector of Police,
Silaiman Police Station,
Madurai District.

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