



W.P.(MD)No.2424 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED **06.02.2024**

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.2424 of 2024

Azhagu

...Petitioner

/Vs./

1.The Tahsildar,
Aruppukkottai Taluk Office,
Aruppukkottai,
Virudhunagar District.

2.The Assistant Director,
Land Survey,
Aruppukkottai Taluk,
Virudhunagar District.

3.The Surveyor,
Land Survey, Iraichinnampatti Village,
Aruppukkottai Taluk,
Virudhunagar District.

...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 herein to survey the petitioner's land based on his title deeds and survey records within the time frame fixed by this Court.



W.P.(MD)No.2424 of 2024

For Petitioner : Mr.A.Lakshmi

For Respondents : Ms.K.Christy Thebaral

Additional Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents herein to survey the petitioner's land based on his title deeds and survey records within the time frame fixed by this Court.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner is in possession and enjoyment of the subject property by way of sale deed. The petitioner applied for survey of the property and also paid necessary fee. Since no steps have been taken to survey the property, the present writ petition has been filed.

4. The learned Additional Government Pleader appearing for the respondents on written instructions submits that the petitioner has not made any

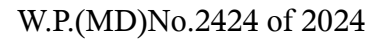
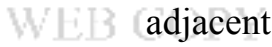


W.P.(MD)No.2424 of 2024

application for survey of the subject property. Instead, he has sent applications only for subdivision and patta. The petitioner is in possession and enjoyment of the subject property in S.No.128/12A, 12B and 12C, instead of the survey number mentioned in his sale deed in document No.995/1999. He also submits that the survey numbers mentioned in the sale deeds in Document No. 1193/1997 and 1047/2000 have been in S.No.128/13B and that if the petitioner is in possession of his property as per his sale deed, the subdivision and patta transfer will be done. He further submits that if the petitioner applies for survey of the property, survey will be done.

5. Considering the aforesaid facts and circumstances of the case, this writ petition is disposed with the following directions:-

- (i) The petitioner shall file an application for survey of his property.
- (ii) survey authority will scrutinize if the application submitted by the petitioner is in order.
- (iii) The petitioner will have to enclose all the relevant documents such as patta. If the petitioner is having only a joint patta, he must get consent from co-pattadors for conducting survey.
- (iv) 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.



(vi) 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.

(vii) 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.

(viii) 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.

(ix) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

(x) 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



W.P.(MD)No.2424 of 2024

party. No person shall put up fencing at the time of survey by using police aid.

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(xi) The survey authority will conclude the entire exercise one way or the other within a period of eight weeks after service of notice on the interested persons.

(xii) A copy of the survey report along with sketch will be served on the parties. No costs.

06.02.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

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W.P.(MD)No.2424 of 2024

V.BHAVANI SUBBAROYAN, J.

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TO:-

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Aruppukkottai,
Virudhunagar District.
- 2.The Assistant Director,
Land Survey,
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- 3.The Surveyor,
Land Survey, Iraichinnampatti Village,
Aruppukkottai Taluk,
Virudhunagar District.

Order made in
W.P(MD)No.2424 of 2024

Dated:
06.02.2024