



W.P(MD)No.2258 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

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

Writ Petition(MD)No.2258 of 2024

and

W.M.P(MD)No.2265 of 2024

Manikalai

... Petitioner

-Vs-

1.The Tahsildar,  
Thirupparankundram Taluk,  
Madurai District.

2.The Head Surveyor,  
Thirupparankundram Taluk,  
Madurai District.

3.G.Palanikumaran

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus to direct the respondents 1 and 2 to complete the survey work in S.No. 22/2B2 to an extent of 22.5 cents out of the total extent of 45 cents of Thanakkankulam Village, Thirupparankundram Taluk, Madurai District, on the basis of the petitioner's application dated 05.09.2022 by adopting the same prescribed in the order passed by this Honble Court in WP(MD) 581/2023 dated 10.01.2023 on the same date.



W.P(MD)No.2258 of 2024

WEB COPY

For Petitioner : Mr.R.Aravindan  
For Respondents : Mr.A.Kannan  
Addl. Govt. Pleader (for R1 and R2)

### **ORDER**

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to complete the survey work in S.No. 22/2B2 to an extent of 22.5 cents out of the total extent of 45 cents of Thanakkankulam Village, Thirupparankundram Taluk, Madurai District, on the basis of the petitioner's application dated 05.09.2022 by adopting the same prescribed in the order passed by this Honble Court in WP(MD) 581/2023 dated 10.01.2023 on the same date.

2. Heard Mr.R.Aravindan, learned counsel appearing for the petitioner, Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents 1 & 2.

3. Considering the nature of the order proposed to be passed, protecting the interest of the third respondent, notice to the third respondent is dispensed with.



W.P(MD)No.2258 of 2024

WEB COPY

4. The case of the petitioner is that he had purchased the property comprised in S.No.22/2B2 to an extent of 22.5 cents out of the total extent of 45 cents of Thanakkankulam village, Thirupparankundram Taluk, Madurai District. The remaining 22.5 cents was purchased in the name of his wife M.Pandiammal. A joint patta has been issued. While so, the third respondent, who is claiming ownership over the adjacent land, is not allowing the petitioner to measure the boundaries already fixed. The third respondent has also filed W.P(MD)No.581 of 2023 for measurement of his land. This Court, vide order dated 10.01.2023 has directed the authorities to survey the property of the third respondent, after hearing the objections. Likewise, the petitioner is also entitled for demarcation of his property. Hence, he filed the present writ petition seeking the above said relief.

5. 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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W.P(MD)No.2258 of 2024

6.The Writ Petition is disposed of with the following directions:-

(I) The survey authority will scrutinize if the application submitted by the applicant is in order.

(II) The applicant 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 given their consent for conducting survey.

(III) The survey authority will issue notice to the writ applicant 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



W.P(MD)No.2258 of 2024

WEB COPY

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.

(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



W.P(MD)No.2258 of 2024

WEB COPY

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 petitioner is directed to appear before the authorities along with all the documents. No costs. Consequently, connected miscellaneous petition is closed.

**07.02.2024**

NCC : Yes/No

Index : Yes/No

Internet : Yes

skn

To

1.The Tahsildar,  
Thirupparankundram Taluk,  
Madurai District.

2.The Head Surveyor,  
Thirupparankundram Taluk,  
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W.P(MD)No.2258 of 2024

**V.BHAVANI SUBBAROYAN, J.**

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