



W.P.(MD)No.2469 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 07.02.2024

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

W.P(MD)No.2469 of 2024

Ashok Kumar

...Petitioner

/Vs./

1.The Tahsildar,
Taluk Office,
Periyakulam,
Theni District.

2.The Taluk Surveyor,
Land Survey and Records,
Taluk Office,
Periyakulam,
Theni 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 to survey and to fix four boundaries of the petitioner's land of bearing Old Survey No.1888A/Pa, New Survey No.2677/2 with an extent of 0.01.91 ares, situated at Devadhanapatti, Periyakulam Taluk, Theni District.

For Petitioner : Mr.R.Murugappan

For Respondents : Mr.A.Kannan

Additional Government Pleader



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ORDER

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This writ petition has been filed for issuance of writ of mandamus directing the respondents to survey and to fix four boundaries of the petitioner's land of bearing Old Survey No.1888A/Pa, New Survey No.2677/2 to an extent of 0.01.91 ares, situated at Devadhanapatti, Periyakulam Taluk, Theni District.

2. The case of the petitioner is that the subject property is in possession of the petitioner through a registered sale deed. The petitioner applied for survey of the property and also paid necessary fee. He has also made a representation to the respondents. Since no steps have been taken to survey the property, the present writ petition has been filed.

3. The learned Additional Government Pleader appearing for the respondents submits that survey will be conducted within a time frame as fixed by this Court.

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

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



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(ii) 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.

(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 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



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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.

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

07.02.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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Theni District.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.2469 of 2024

Dated:
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