



W.P.(MD).No.2556 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

W.P.(MD)No.2556 of 2024

Vigneswara Vijayaram

... Petitioner

vs.

1.The Thasildar,
Bodinayakanur Taluk,
Theni District.

2.The Taluk Surveyor,
Bodinayakanur Taluk,
Theni District.

3.The Inspector of Police,
Kurangani Police Station,
Theni District.

4.Sreejith

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to survey the land in S.No.1078/1B, to an extent of 0.02.0 hectare and 5 cent and S.No.1078/2 to an extent of 1.10.0 hectare and 2 Acre 71 cents situated at Kottakudi Village, Bodinayakanur Taluk, Theni District, consequently direct the 3rd respondent to provide adequate police



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protection at the time of conducting survey by the respondents 1 and 2, by considering the challans paid by the petitioner's father on 17.01.2024 and based on the petitioner's representation dated 17.01.2024 within a stipulated time fixed by this Court.

For Petitioner : Mr.S.Sathyachidambaram
For R1 & R2 : Mr.D.Gandhiraj
Special Government Pleader
For R3 : Mrs.S.Aasha
Government Advocate (CrI.side)

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to survey the land in S.No. 1078/1B to an extent of 0.02.0 hectare and 5 cents and S.No.1078/2 to an extent of 1.10.0 hectare and 2 Acre 71 cents situated at Kottakudi Village, Bodinayakanur Taluk, Theni District, consequently direct the 3rd respondent to provide adequate police protection at the time of conducting survey by the respondents 1 and 2, by considering the challans paid by the petitioner's father on 17.01.2024 and based on the petitioner's representation dated 17.01.2024 within a stipulated time fixed by this Court.



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2. 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.

3. This Writ Petition is disposed of with 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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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 jurisdictional police and the jurisdictional police are mandated to grant police protection.



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(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 twenty weeks after service of notice on the interested persons.

(XI) The petitioner shall bear the expenses for surveying the property.

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

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

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V.BHAVANI SUBBAROYAN,J.

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