



W.P.(MD).No.3021 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2024

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.3021 of 2024

and

W.M.P.(MD).No.3002 of 2024

Malathi

... Petitioner

vs.

(*)

**1.The Tahsildar,
Taluk Office,
Srivilliputhur taluk,
Virudhunagar District.**

**2.The Surveyor,
Srivilliputhur taluk,
Virudhunagar District.**

**3.The Superintendent of Police,
Office of the Superintendent of Police Office,
Virudhunagar District.**

**4.The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.**

5.Sheenivasan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent No.1 to survey and measure the petitioner property comprised in Survey No.394/2B, measuring an

<https://www.mhc.tn.gov.in/judis>



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extent of 12 ½ cents situated at North Srivilliputhur, Srivilliputhur Taluk, Virudhunagar District and consequently 3rd and 4th respondents herein to provide adequate police protection to property, on the basis of the consider the petitioner's representation dated 02.02.2024 within the time stipulated by this Court.

For Petitioner	: Mr.K.Shanthakumar
For R1 & R2	: Mr.SRA.Ramachandran Additional Government Pleader
For R3 & R4	: Mr.S.S.Mathavan Government Advocate (Crl.side)

ORDER

This writ petition has been filed for issuance of a writ of Mandamus, directing the first respondent to survey and measure the property comprised in Survey No. 394/2B, measuring an extent of 12 ½ cents situated at North Srivilliputhur, Srivilliputhur Taluk, Virudhunagar District and consequently directing the respondents 3 and 4 to provide adequate police protection, based on the petitioner's representation dated 02.02.2024.

2. According to the petitioner, she has made a representation to the respondents 1 and 2 on 02.02.2024, seeking to survey the property comprised in Survey No.394/2B, measuring an extent of 12 ½ cents situated at North Srivilliputhur, Srivilliputhur Taluk, Virudhunagar District. Since the said representation has not been considered so far, the petitioner has filed the present

writ petition

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3. 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.

4. 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 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



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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 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.



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(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. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (RTI)

**(*) Amended as per the order of this Court dated.17.04.2024
made in WMP(MD) 8094/24 in WP(MD) 3021/2024.**

Sd/-

Assistant Registrar (RTI)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS - I / II / III/ IV)

akv

To

(*) to be substituted to the order already despatched on 29.02.2024

(*)

**1.The Tahsildar,
Taluk Office,
Srivilliputhur taluk,
Virudhunagar District.**



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**2.The Surveyor,
Srivilliputhur taluk,
Virudhunagar District.**

3.The Superintendent of Police,
Office of the Superintendent of Police Office,
Virudhunagar District.

4.The Inspector of Police,
Srivilliputtur Town Police Station,
Virudhunagar District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.SPL.GP (SR-4740[F] dated 14/02/2024)

+1 CC to M/s.K.SHANTHAKUMAR, Advocate (SR-4508[F] dated 13/02/2024)

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12.02.2024

_DL/(23.02.2024)/ 6P/8C

RE/(15.04.2024)/ 6P/8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.