



W.P.(MD)No.3009 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED 13.02.2024

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

W.P(MD)No.3009 of 2024

T.Marimuthu

...Petitioner

/Vs./

1.The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

2.The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

3.The Inspector of Police,
Gujiliamparai Police Station,
Gujiliamparai,
Dindigul District.

4.Ramakrishnan

5.Sivakumar

6.Thamaraiselvan

7.Prasanth

...Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to measure and demarcate of the petitioner's property in survey Nos.51/4, 51/5, 52/2A, 53, 55/9, 59/7 and 59/10 situated at Palayam



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Village, Gujiliamparai Taluk, Dindigul District with assistance of the 3rd respondent police protection based on his representations dated 03.11.2023 and 11.12.2023.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.P.Thambidurai (R1 & R2)

Government Advocate

Mr.S.S.Madhavan (R3)

Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the 1st and 2nd respondents herein to measure and demarcate of the petitioner's property in survey Nos.51/4, 51/5, 52/2A, 53, 55/9, 59/7 and 59/10 situated at Palayam Village, Gujiliamparai Taluk, Dindigul District with assistance of the 3rd respondent police protection based on his representations dated 03.11.2023 and 11.12.2023.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the official respondents. Considering the nature of the order going to be passed in this writ petition, notice to the private respondents is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.



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3. The case of the petitioner is that the petitioner is in possession and enjoyment of the subject property. 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 Government Advocate appearing for the respondents submits that survey will be conducted within a time frame as fixed by this Court.

5. 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.

(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.



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(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.

(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



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other within a period of eight 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.

13.02.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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TO:-

- 1.The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.
- 2.The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.
- 3.The Inspector of Police,
Gujiliamparai Police Station,
Gujiliamparai,
Dindigul District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.3009 of 2024

Dated:
13.02.2024