



DATED: 14.02.2024

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.3132 of 2024

... Petitioners

1.The Thasildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari District.

2. The Head Surveyor,
Office of the Tahsildar,
Kalkulam,
Thuckalay Post,
Kanyakumari District.

... 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.Nos.356/13, 355/1, 355/12, 355/5 and S.No. 356/14 situated at Kallukootam Village, Kalkulam Taluk, Kanyakumari District, by considering the petitioner's payment dated 19.06.2023 and reminder representation dated 02.01.2024 within the stipulated time.



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For Petitioners : Mr.V.Sukumar
For Respondents : Mr.A.Kannan
Additional Government Pleader

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.Nos.356/13, 355/1, 355/12, 355/5 and 356/14 situated at Kallukootam Village, Kalkulam Taluk, Kanyakumari District, by considering the petitioners' payment dated 19.06.2023 and reminder representation dated 02.01.2024.

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 petitioners is in order.



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(II) The petitioners will have to enclose all the relevant documents such as patta. The applicants 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 petitioners 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.



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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. The petitioners shall bear the expenses of the 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 twelve weeks after service of notice on the interested persons.



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

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To

- 1.The Thasildar,
Kalkulam Taluk,
Thuckalay Post,
Kanyakumari District.
- 2.The Head Surveyor,
Office of the Tahsildar,
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