



W.P(MD)No.13766 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13766 of 2024

G.Palaniammal

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3.The Tahsildar,
Vedasandhur,
Dindigul District.

4.The Head Surveyor,
Vedachandur Taluk Office,
Dindigul District.

5.Allirani

6.A.Kumaresan

7.S.Anandhan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents particularly the 3rd and 4th respondents not to conduct the survey in the



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petitioner's land is situated in S.No.245/3 - 0.34.5 Ares 0.02.0 Ares land with I Tamarind Tree b) S.No 308/1 about 15 cents. And c)S.No.262/A1-1.20 Ares lands with a well also with 5HP Motor pump set and etc, Kurundampatty near Vadamadurai, Vedasanthur Taluk, Dindigul District by way of consider the petitioner's representation dated 27.01.2024.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.D.Sasikumar
Additional Government Pleader
for R1 to R4

: Mr.N.Balasubramanian for R5 & R7

: Mr.M.Alaudeen for R6

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader for R1 to R4 and the learned counsel for R6.

2. The sixth respondent has purchased the petition mentioned property. He has given an application for conducting survey. For forbearing the authorities from conducting survey, this writ petition has been filed.

3. I need not go into the merits of the matter at this stage. I direct the third respondent to issue notice to the petitioner before conducting survey. The



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petitioner is at liberty to offer her objection. The third respondent will consider the petitioner's objection and pass a speaking order. Whenever petitions for conducting survey are filed, they are disposed of by a standard order. The following directions are issued:-

(I) The petitioner is directed to submit his / her application in on-line mode. 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 period of six weeks so that the objector can move the



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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. If the petitioner wants to put up fencing and if there is any objection from any private party, fencing can be put up only after the petitioner obtains decree from the jurisdictional Civil Court.



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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.

4. The third respondent will adhere to the aforementioned directions.

The Writ Petition is disposed of accordingly. No costs.

16.07.2024

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

To

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Palani,
Dindigul District.

3.The Tahsildar,
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G.R.SWAMINATHAN, J.

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