



WEB COPY



W.P(MD)No.4776 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4776 of 2024

Chinnasamy

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

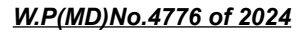
2.The Tahsildar,
Madurai South Taluk,
Madurai District.

... 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 2nd Respondent to survey the land in Survey Nos.10/5, 158/1, 161/1, 161/2, 57/1, 79/5 and 80/12 situated at Madurai District, Madurai South Taluk, Virakanoor Village and consequently issued the Joint Patta in favour of the Legal heirs of the Thangasamy Ambalam and earmarked the boundaries of the properties, based on the petitioner's representation dated 11.05.2023 and 18.12.2023.

For Petitioner : Mr.K.Palmurugan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader



The scope of the writ petition is confined only to conduct survey. The prayer regarding patta can be agitated later.

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.

(III) The survey authority will issue notice to the writ petitioner as well as the adjacent land owners and also to the



W.P(MD)No.4776 of 2024

interested persons, if any.

WEB COPY

(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. 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.



W.P(MD)No.4776 of 2024

(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 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.

01.03.2024

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.



WEB COPY



W.P(MD)No.4776 of 2024

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.4776 of 2024

01.03.2024