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W.P.(MD)NO.4353 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.4353 of 2024

M.Ganeshkumar

... Petitioner

Vs.

1. The Tahsildar,
Sivakasi Taluk, Sivakasi,
Virudhunagar District.

2. The Taluk Surveyor,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to Survey and issue Patta in the petitioner's name in respect of the land in S. No.1207/1 to the extent of 29.20 cents (2720 Sq.ft) situating at Thiruthangal Village, Sivakasi Taluk, Virudhunagar District in virtue of the sale deed in D.No.3083 of 2023 on the file of the SRO, Thiruthangal dated 08.05.2023 by considering the petitioner's application to the respondents dated 09.02.2024 within the period stipulated by this Court.

For Petitioner : Mr.S.Selvakumar

For Respondents : Mr.A.Kannan,
Additional Government Pleader.

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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 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



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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 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.

26.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To:

1. The Tahsildar,
Sivakasi Taluk, Sivakasi,
Virudhunagar District.
2. The Taluk Surveyor,
Sivakasi Taluk,
Sivakasi,
Virudhunagar District.



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G.R.SWAMINATHAN,J.

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