



W.P(MD)No.5445 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5445 of 2024

Jeremy Paul Antonio De Mel
S/o.Late.Vernon John De Mel,
No.19, Merryfield Drive,
Scarborough,
Ontario, M1P1J3,
Canada
Represented through its power agent,
S/o.Nicholas,
Old Door No.1/8, New Door No.1/14,
North Street,
Vembar-628 906,
Vilathikulam Taluk,
Thoothukudi District.

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

2.The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Thoothukudi District.

3.The Surveyor,
Taluk Office,
Vilathikulam Taluk,
Thoothukudi District.

... Respondents



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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 2 and 3 to survey and demarcate the property comprised in Survey No.205/14 situated at Vembar Village, Vilathikulam Taluk, Thoothukudi District and consequently direct the 2nd Respondent to issue separate patta in the name of the petitioners principal, by considering the petitioner's representation dated 04.12.2023.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

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

2. The petitioner has applied to the jurisdictional authority for conducting survey of the petition mentioned lands and for demarcation of the boundaries. Since the authority had not acted upon the petitioner's request, this writ petition came to be filed.

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.

4.The Writ Petition is disposed of with the following directions:-

(I) The survey authority will scrutinize if the application



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submitted by the petitioner is in order.

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(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 given 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 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



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To

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- 3.The Surveyor,
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G.R.SWAMINATHAN, J.

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