



W.P.(MD) No.4902 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.4902 of 2023

P.Ravichandran

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Petitioner

-vs-

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Thasildar,
Keeranur,
Viralimalai Taluk,
Pudhukottai District.

3.The Taluk Head Quarter Surveyor,
Keeranur,
Pudhukottai District.

4.Superintendent of Police,
Pudhukottai,
Pudukottai District.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, by removing the obstructions from and by the 3rd parties, to survey, measure the properties, by demarking



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and fixing the four boundaries of the properties as per the particulars furnished herein.

For Petitioner : Mr.S.Rengasamy

For Respondents 1 to 3: Mr.A.Kannan,
Addl.Govt.Pleader.

For Respondent 4 : Mr.K.Gnanasekaran,
Govt. Advocate (Crl.Side)

ORDER

The petitioner has filed this Writ Petition for issuance of a writ of mandamus, directing removal of the obstructions from and by the third parties, to survey and measure the properties and to demarcate and fix the four boundaries of the properties as per the particulars furnished.

2. The petitioner, as the owner of the property set out in the schedule of the Writ Petition, applied for transfer of patta and sub-division of lands to the second respondent and also filed an application along with necessary charges for survey and fixing of boundaries for his land. As the respondents did not take any action, the petitioner filed the above Writ Petition for the aforesaid relief.



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3. With the consent of both learned counsels, this Writ Petition is taken up for final disposal at the admission stage itself. If any person is aggrieved by this order, it is open for them 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. As sub-division and transfer of patta for the lands are possible only after the survey is conducted, the prayer for sub-division and transfer of patta is not considered at this stage.

4. This Court, in W.P(MD)No.12676 of 2024, dated 14.06.2024, issued certain directions for considering the application for survey and fixing the boundary. Following the said 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. Patta need not be in the name of the applicant. If patta is in the name of the vendor and mutation has not been effected, still the application can be considered.

(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



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(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 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



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(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.

(X) The survey authority will conclude the entire exercise one way or the other within a period of sixteen 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.

5. With the above directions, this Writ Petition is disposed of. No costs.

19.11.2024

NCC : Yes / No
Index : Yes / No



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WEB COUNCIL

Internet : Yes / No
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N.MALA, J.

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