



W.P(MD)No.6247 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6247 of 2024

Arumugam

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Sivaganga District.

2.The Thasildar,
O/o. The Thasildar Office,
Manamadurai,
Sivaganga District.

3.Assistant Director,
O/o. District Surveyor Department,
Sivaganga District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to conduct survey and fix four boundaries in the Petitioner's land in Survey No.70/12 and in Survey No. 70/16 both are situated at Ilayanayakkan Village, Manamadurai Taluk, Sivaganga District by considering the petitioner's representation dated 11.03.2024.



W.P(MD)No.6247 of 2024

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.S.Kameswaran,
Government Advocate.

ORDER

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.

2.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.

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

(I) The survey authority will scrutinize if the application submitted by the petitioner is in order.



W.P(MD)No.6247 of 2024

(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 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.



W.P(MD)No.6247 of 2024

WEB COPY

To:-

- 1.The District Collector,
O/o. The District Collector,
Sivaganga District.
- 2.The Thasildar,
O/o. The Thasildar Office,
Manamadurai,
Sivaganga District.
- 3.Assistant Director,
O/o. District Surveyor Department,
Sivaganga District.



WEB COPY



W.P(MD)No.6247 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.6247 of 2024

15.03.2024