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W.P.(MD)NO.6390 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 15.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6390 of 2024

M.Santhi

... Petitioner

Vs.

1. The Tahsildar,
Andipatty Taluk, Theni District.

2. The Taluk Surveyor,
Taluk Office,
Andipatti Taluk,
Theni District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct survey and issue separate patta to the petitioner's property in survey No.2320/4A1A1 bearing an extent of about 972 sq.ft situated in Thimmarasanayakanur Bit-1 Village, Andipatty Taluk, Theni District by considering his applications dated 02.03.2024 and 05.03.2024 within a time frame fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.T.Villavankothai,
Additional Government Pleader.

* * *

**ORDER**

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The petitioner seeks issuance of separate patta.

2. The issue can be agitated later. Liberty is given to the petitioner. The scope of the writ petition is confined to conducting of survey alone.

3. It appears that the petitioner is a joint pattadar. Notice will be issued to all the other pattadars. If consensus is arrived at after the survey is conducted, then separate patta will be issued. If consensus is not arrived at, the petitioner should be relegated to the jurisdictional civil Court.

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

(I) The petitioner is directed to submit his / her application in online mode. The survey authority will scrutinize if the application submitted by the petitioner is in order.

(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 will be taken note of.

(VII) If the jurisdictional authority finds objections



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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.

(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.

15.03.2024

Index : Yes / No

Internet : Yes/ No

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To:

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Andipatty Taluk, Theni District.
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G.R.SWAMINATHAN,J.

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