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W.P.(MD)NO.6555 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.6555 of 2024

Chandran

... Petitioner

Vs.

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

2. The Tahsildar,
O/o.District Collector Campus,
Virudhunagar District.

3. The Taluk Surveyor,
Aaviyur, Kariapatti, Virudhunagar District.

4. Panchavarnam

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the third respondent to survey and fix four boundaries of the petitioner's land in survey No.119/16C2 and 118/2B situated at Kariapatti Village, Virudhunagar District in the light of the petitioner's application in challan number 20230109008238 dated 09.01.2023 within the time frame stipulated by this Court.

For Petitioner : Ms.R.Sangeetha

For R-1 to R-3 : Mr.D.Gandhiraj,
Special Government Pleader.

* * *

**ORDER**

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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.The scope of this writ petition is confined only for conducting survey. If the petitioner has sought any other reliefs, they can be agitated separately.

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 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



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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



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To:

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G.R.SWAMINATHAN,J.

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