



W.P(MD)No.6602 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.03.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6602 of 2024

SP.Tamilarasi

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District.
- 2.The District Revenue Officer,
Pudukkottai District.
- 3.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
- 4.The Tahsildar,
Thirumaayam Taluk,
Pudukkottai District.

5.P.V.Muthu

... 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 1 to 4 to take action on petitioner's petition dated 06.11.2023



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and to conduct enquiry about the truth and genuineness of the alleged proceedings in R.T.R.Dis 8/1999 dated 26.06.2000 allegedly under the Tamil Nadu Agricultural Land Record of Tenancy Act, X of 1969 on the file of the fourth respondent and also to survey and demarcate the boundaries of the properties in Survey No. 735/10D and 735/10E in Lembalakudi Village, Thirumayam Taluk, Pudukkottai District within a stipulated time.

For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R.1 to R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 to 4. Considering the nature of relief to be granted, issuance of notice to the fifth respondent is dispensed with.

2.The petitioner wants survey to be conducted in respect of the petition mentioned lands. The petitioner also submits that the survey exercise would encounter resistance from the fifth respondent. It is



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stated that the fifth respondent is placing reliance on so called the order dated 26.06.2000 in R.T.R.Dis 8/1999 allegedly issued under the Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969.

3.The petitioner specifically alleges that it appears to be a bogus document. He therefore wants enquiry to be conducted in respect of its genuineness.

4.The third respondent is directed to conduct enquiry into the complaint lodged by the petitioner on 06.11.2023. The third respondent is directed to issue notice to the fifth respondent. The third respondent shall render a specific finding in the form of report if the proceedings dated 26.06.2000 referred to in this writ petition is true and genuine. If the third respondent comes to a conclusion that the said document is not genuine, the fourth respondent will conduct survey as per the petitioner's request. Of course the usual directions that are given by this Court in such matters will have to be adhered to. For easy reference of the fourth respondent, the directions are extracted below:



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(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 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.



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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 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.



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(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.

In the event of the Tahsildar conducting survey, the question of issuing fresh notice to the fifth respondent will not arise if the third respondent renders a finding in favour of the petitioner.

5.This writ petition is disposed of accordingly. There shall be no order as to costs.

19.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The District Collector,
Pudukkottai District.

6/8



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Pudukkottai District.

3.The Revenue Divisional Officer,
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G.R.SWAMINATHAN, J.

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