



W.P(MD)No.7044 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7044 of 2024

M.Ahamed Zubair

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Assistant Director,
Survey and Boundary Section,
(Survey and Land Records),
Collectorate Campus,
Theni.

3.The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.

4.The Head Surveyor,
Uthamapalayam Taluk,
Uthamapalayam,
Theni 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 especially 3rd and 4th respondents measure the survey in T.S.No. 5, Cumbum



W.P(MD)No.7044 of 2024

Town, Uthamapalayam Taluk, Theni District and consider the petitioner's representation dated 9.11.2023 filed before the 2nd respondent.

For Petitioner : Mr.K.Guhan

For Respondents : Mr.K.S.Selvaganeshan,
Addl. Government Pleader.

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.7044 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.7044 of 2024

To:-

1. The District Collector,
Theni District, Theni.
2. The Assistant Director,
Survey and Boundary Section,
(Survey and Land Records),
Collectorate Campus,
Theni.
3. The Tahsildar,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.
4. The Head Surveyor,
Uthamapalayam Taluk,
Uthamapalayam,
Theni District.



WEB COPY



W.P(MD)No.7044 of 2024

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.7044 of 2024

22.03.2024