



W.P(MD)No.7558 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7558 of 2024

Rajan Babu

... Petitioner

Vs.

1.The Tahsildar,
Melur Taluk,
Madurai District.

2.The Taluk Surveyor,
Melur Taluk,
Madurai.

... 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 Survey the petitioner's land comprised Survey No.502/5B of an extent of 0.02.83 Hectare 07 Cents situated at Katchirayanapatti Village, Karungalakudi, Madurai North, Madurai District based on the petitioner's representation dated 08.06.2023 within a time as stipulated by this Court.



W.P(MD)No.7558 of 2024

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

ORDER

When the matter was taken up for hearing, the learned Special Government Pleader submitted that survey was already conducted on 24.07.2023. But if that be so, the petitioner has to be served with a copy of the survey report as well as survey sketch. If survey sketch and survey report cannot be served on the petitioner, the exercise has been redone in terms of following directions:

(I) 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.



W.P(MD)No.7558 of 2024

WEB COPY

(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 to be having substance, then, he shall call upon the applicant to



W.P(MD)No.7558 of 2024

WEB COPY

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.

This writ petition is disposed of. No costs.

26.03.2024

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

4/6



W.P(MD)No.7558 of 2024

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W.P(MD)No.7558 of 2024

G.R.SWAMINATHAN, J.

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W.P(MD)No.7558 of 2024

26.03.2024