



W.P(MD)No.7455 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD).No.7455 of 2024

Shanmugam,

... Petitioner

Vs

1. The Tahsildar,  
Madurai West,  
Madurai District.

2. The Surveyor,  
Madurai West,  
Madurai District.

3. The Town Surveyor Zone-3,  
Madurai Corporation,  
Madurai

... Respondents

**(\*R3 is suo motu impleaded by this Court  
vide order Dated 27.03.2024)**

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 and 2 to survey the land in old survey no. 1308/2, new survey nos. 21 and 68 situated at Munisipalaiyam, Madurai Town and fix the boundary by considering the petitioner's application, vide payment of Challan dated

1/6



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19.02.2024 within the time fixed by this Court.

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For Petitioner : Mr.K.Sathish Kumar  
For R1 & R2 : Mr.K.S.Selvaganesh  
Additional Government Pleader  
For R3 : Mr.K.K.Kannan  
Standing Counsel

**ORDER**

Heard both sides.

2.The Town Surveyor Zone-3, Madurai Corporation, Madurai is *suo motu* impleaded as third respondent. Mr.K.K.Kannan, learned Standing Counsel appearing for the third respondent.

3.The petitioner is permitted to submit an application before the third respondent for conducting survey of the petition mentioned land. The said application will be disposed of in the following manner:

(I) The survey authority will scrutinize if the application submitted by the petitioner is in order.



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(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.

(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.

(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.



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4.Registry is directed to make necessary amendment in the cause title.

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5.With the above direction, this writ petition is disposed of. No costs.

**27.03.2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

LR

To

1. The Tahsildar,  
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Madurai District.

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3. The Town Surveyor Zone-3,  
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**G.R.SWAMINATHAN, J.**

LR

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