



W.P(MD)No.7367 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7367 of 2024

Geetha

... Petitioner

Vs.

1.The Tahsildar,
Manapparai Taluk,
Trichy District.

2.The Taluk Surveyor,
Manapparai Taluk,
Trichy District.

3.The Inspector of Police,
Manapparai Police Station,
Trichy District.

4.N.Alagarsamy

5.Dhanapackiyam

... 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 No.1 and 2 to take necessary steps to measure the land and fix the four boundaries in S.F.No.651/8B situated at K.Periyapatti South Village, Manapparai, Trichy District belonging to the petitioner's husband name with



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necessary police protection, based on the petitioner's husband's application dated 29.09.2023 within a stipulated time in accordance with law.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr.A.Kannan,
Addl. Government Pleader for R1 & R2.
Mr.A.Albert James,
Govt. Advocate (Crl. Side) for R3.

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.



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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.



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To:-

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Trichy District.
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Manapparai Taluk,
Trichy District.
- 3.The Inspector of Police,
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G.R.SWAMINATHAN, J.

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