



W.P(MD)No.7713 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.7713 of 2024

Karumpaieram

... Petitioner

Vs.

1.The Tahsildar,
O/o.Musiri Taluk Office,
Musiri Taluk,
Thiruchirappalli District.

2.The Zonal Deputy Tahsildar,
O/o.Musiri Taluk Office,
Musiri Taluk,
Thiruchirappalli District.

3.The Head Surveyor,
O/o.Musiri Taluk Office,
Musiri Taluk,
Thiruchirappalli District.

4.The Surveyor,
O/o.Musiri Taluk Office,
Amoor Revenue Village,
Musiri Taluk,
Thiruchirappalli District.

... Respondents



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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 consider the petitioner's online application no 2024/0105/15/300578 dated on 11.01.2024 to conduct sub division process bearing Survey Number 254/13 admeasuring 1744 s.q. feet at Amoor Revenue Village, Musiri Taluk, Thiruchirappalli District and identify the four boundaries in the said property and issue individual patta within the time as stipulated by this Court.

For Petitioner : Mr.M.Vivek

For Respondents : Mr.T.Villavan Kothai
Additional Government Pleader

ORDER

Heard both sides.

2.The scope of the writ petition is confined only to conducting survey alone. The other aspects can be agitated independently. Liberty is given to the petitioner.

3.The petitioner is permitted to submit a proper application before the first respondent for conducting survey. The application will be disposed of in the following terms:

(I) The petitioner is directed to submit his / her



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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. If before the proposed date of survey, the objector is unable to



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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



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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 accordingly. There shall be no order as to costs.

27.03.2024

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

To

1.The Tahsildar,
O/o.Musiri Taluk Office,
Musiri Taluk,
Thiruchirappalli District.

2.The Zonal Deputy Tahsildar,
O/o.Musiri Taluk Office,
Musiri Taluk,
Thiruchirappalli District.

G.R.SWAMINATHAN, J.



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3.The Head Surveyor,
O/o.Musiri Taluk Office,
Musiri Taluk,
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4.The Surveyor,
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