



W.P(MD)No.8988 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.8988 of 2024

R.Rajendran

... Petitioner

Vs.

1.The Tahsildar,
Usilampatti Taluk,
Madurai.

2.The Taluk Surveyor,
Usilampatti 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 and fix the boundaries for petitioner land situated in Karumathur village, Usilampatti taluk, Madurai District Survey No. 231/2G2B, 231/2G2C measures about of 41 1/2 cents as per the Partition deed in Doc. No. 2114/220 dated 24.09.2020 on the file of the Sub-Registrar, Chekkanoorani village, Usilampatti Taluk, Madurai District based on petitioner's representation dated on 16.10.2023 and fee

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remittance dated on 16.11.2023 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.S.P.Naveenkumar

For Respondents : Mr.G.Vairam Santhosh
Additional Government Pleader

ORDER

Heard both sides.

2.When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the petitioner's sibling Thiru.Chinna Karuppan is creating trouble. That alone deter the authorities from discharging their statutory duty. The petitioner is directed to submit a fresh application and remit the charges. The petitioner's application will be dealt with by adhering to the following directions :

(I) The petitioner is directed to submit his / her application in on-line mode. 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.



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(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. If the petitioner wants to put up fencing and if there is any objection from any private



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party, fencing can be put up only after the petitioner obtains decree from the jurisdictional Civil Court.

(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. No costs.

22.04.2024

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

SKM

To

- 1.The Tahsildar,
Usilampatti Taluk,
Madurai.
- 2.The Taluk Surveyor,
Usilampatti Taluk,
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G.R.SWAMINATHAN, J.

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