



WP(MD)No.8110 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.8110 of 2023
and W.M.P(MD)No.7477 of 2023

P.Emayaraj

...Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Ayyapuram Police Station,
Thiruvengadam Taluk,
Tenkasi District.

3.The Tahsildar,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tenkasi District.

4.The Inspector of Survey,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tenkasi – District.

5.Anthoniammal

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents 3 and 4 to fix the four boundaries with specific measurements by finding the "F" line in four sides and fix the property of this petitioner's 6 cents (0.02.45 Hecs) in S.No.119/14A, in Vagaikulam Revenue Village in Thiruvengadam Taluk in Tenkasi District, within a time frame along with the help of police, respondents 1 and 2.



WP(MD)No.8110 of 2023

For Petitioner : Mr.F.X.Eugene
For R3 & R4 : Mr.M.Muthumanikkam
Government Advocate
For R1 & R2 : Mr.K.Gnana Sekaran
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the the respondents 3 and 4 to fix the four boundaries with specific measurements by finding the "F" line in four sides and fix the property of this petitioner's 6 cents (0.02.45 Hecs) in S.No.119/14A, in Vagaikulam Revenue Village in Thiruvengadam Taluk in Tenkasi District, within a time frame along with the help of police, respondents 1 and 2.

2. The petitioner purchased six cents of land in S.No.119/14 under a sale deed dated 10.06.2022. The petitioner was also issued patta in Patta No.587 and the new survey number 119/14A was also assigned for the petitioner's property. The petitioner in order to locate his property applied to the fourth respondent for survey and for fixing the boundaries for his land and the petitioner also paid the necessary fees. In pursuance of the petitioner's application, the respondents 3 and 4 issued notice of survey to be held on 03.11.2022. The said notice was deferred on



WP(MD)No.8110 of 2023

04.11.2022, as on that day, the fifth respondent, who was present, objected to the survey. Therefore, survey was not conducted on that day.

Therafter, no action was taken and hence, the petitioner made a representation dated 15.12.2022. In spite of lapse of two years from the date of representation, no steps were taken to conduct survey. Hence, the petitioner filed the above Writ Petition for the aforesaid relief.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission 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.

4. This Court in W.P(MD)No.12676 of 2024, dated 14.06.2024 issued certain directions for considering the application for survey and fixing the boundary. Following the said order, the following directions are issued:

(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. Patta need not be in the name of the applicant. If patta



WP(MD)No.8110 of 2023

WEB COPY

is in the name of the vendor and mutation has not been effected, still the application can be considered.

(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



WP(MD)No.8110 of 2023

WEB COPY

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 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.



WP(MD)No.8110 of 2023

(XI) A copy of the survey report along with sketch will

WEB COPY be served on the parties.

5. With the aforesaid directions, the Writ Petition stands disposed

of. No costs.

27.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

CM

To,

1.The Superintendent of Police,
Tenkasi District,
Tenkasi.

2.The Inspector of Police,
Ayyapuram Police Station,
Thiruvengadam Taluk,
Tenkasi District.

3.The Tahsildar,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tenkasi District.

4.The Inspector of Survey,
Thiruvengadam Taluk Office,
Thiruvengadam,
Tenkasi – District.



WEB COPY



WP(MD)No.8110 of 2023

N.MALA,J.

CM

W.P(MD)No.8110 of 2023
and W.M.P(MD)No.7477 of 2023

27.11.2024