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W.P.(MD)NO.9200 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9200 of 2024

A.Rajammal

... Petitioner

Vs.

1. The Tahsildar,
Kayathar Taluk, Thoothukudi District.

2. The Head Surveyor,
Kayathar Taluk,
Thoothukudi District.

3. G.Dharmaraj

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 03.10.2023 and direct the respondents to conduct survey and demarcate the boundaries in S.No.265/2B Thennampatti Village, Kayathar Taluk, Thoothukudi District based on the petitioner's application within the time stipulated by this Court.

For Petitioner : Mr.M.Venkadesh Kumar

For R-1 & R-2 : Mr.D.Sasikumar,
Additional Government Pleader.

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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for respondents 1 and 2.

2. Issuance of notice to the third respondent is dispensed with.

3. The learned Additional Government Pleader is ready with instructions. Whenever such writ petitions are filed, there are disposed of in the following terms:-

“(I) The petitioner is directed to submit his / her 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 given their consent for conducting survey.



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(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.



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(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. 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.

(XI) A copy of the survey report along with sketch will be served on the parties. No costs.”

4. The learned Additional Government Pleader informed the Court that survey is proposed to be held on 03.05.2024. The first



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respondent will adhere to the directions mentioned above. This writ
petition stands disposed of accordingly. No costs.

15.04.2024

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

To:

1. The Tahsildar,
Kayathar Taluk, Thoothukudi District.
2. The Head Surveyor,
Kayathar Taluk,
Thoothukudi District.



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G.R.SWAMINATHAN,J.

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