



W.P(MD)No.9394 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.04.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9394 of 2024

Hemalatha

... Petitioner

Vs.

1.The Tahsildar,
Manapparai Taluk,
Trichy District.

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

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

4.Gangadevi

5.Magesh

6.Savithri

7.Sasikala

8.Om Sakthi

9.Gopal

... 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



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No.1 to 2 to survey the Petitioner's property and fix boundary stones in connection with properties in Survey No.564/2, 570/5, 608/1 measuring 4Acer and 25 Cents, situated at Kumaravadi Village, Manapparai Taluk, Trichy District under the supervision of the 3rd Respondent for surveying the land by considering the representation of the Petitioner dated 30.03.2024 within the time frame as fixed by this Court.

For Petitioner : Mr.A.Joel Paul Antony

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.Albert James,
Govt. Advocate (Crl. Side) for R3.

ORDER

Heard the learned counsel for the writ petitioner, the learned Special Government Pleader for the respondents 1 and 2 and the learned Government Advocate (Crl. Side) for the third respondent. Issuance of notice to the private respondents is dispensed with.

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.



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3.The learned Special Government Pleader is having written instructions in this matter. It is stated that enquiry will be held on 30.04.2024. The survey exercise will be conducted 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.

(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



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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.

(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.



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(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.

4.The Writ Petition is disposed of accordingly. No costs.

17.04.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The Tahsildar,
Manapparai Taluk,
Trichy District.
- 2.The Surveyor,
Manapparai Taluk Office,
Trichy District.
- 3.The Inspector of Police,
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G.R.SWAMINATHAN, J.

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