



W.P(MD)No.9563 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9563 of 2024

M.Murugan

... Petitioner

Vs.

1.The Tahsildar,
Peraiyur Taluk,
Madurai District.

2.The Firka Surveyor,
Peraiyur Taluk,
Peraiyur,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct the survey and demarcate the boundaries in respect to the petitioner's property in Survey No. 21/2A1 situated at P.Palarpatti Village, Peraiyur Taluk, Madurai District by considering the petitioner's application dated 08.01.2024 within a time frame fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

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



WEB COPY



W.P(MD)No.9563 of 2024

ORDER

Heard both sides.

2. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that when the officials went to conduct survey, there was opposition from third parties.

3. The learned counsel appearing for the petitioner states that the petitioner is having patta in his favour. If the third parties are having sustainable objections, it has to be dealt with and speaking order has to be passed.

4. The Writ Petition is disposed of with 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



W.P(MD)No.9563 of 2024

WEB COPY

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 instructions to the surveyor at the time of conducting survey.



W.P(MD)No.9563 of 2024

WEB COPY

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.



W.P(MD)No.9563 of 2024

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

WEB COPY be served on the parties. No costs.

18.04.2024

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

To

1.The Tahsildar,
Peraiyur Taluk,
Madurai District.

2.The Firka Surveyor,
Peraiyur Taluk,
Peraiyur,
Madurai District.



WEB COPY



W.P(MD)No.9563 of 2024

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.9563 of 2024

18.04.2024