



W.P(MD)No.9401 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.04.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.9401 of 2024

Kanagaraj

... Petitioner

Vs.

1.The Commissioner,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi Town & District.

3.The Head Surveyor,
Thoothukudi Corporation,
Thoothukudi.

... 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 survey in petitioner's land and fix four boundaries in 10th street, town survey ward No.4, Block No.30, Town Survey No 3981 house site with an extent of 405.053 square metre 10 cents at 10th street, Toovipuram Thoothukudi Corporation, Thoothukudi by way of considering the petitioner's application dated 10.04.2024.



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For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.N.Anada Kumar
Standing Counsel
for R.1 & R.3

Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.2

ORDER

Heard both sides.

2.When the matter was taken up for hearing, the learned Standing Counsel appearing for Thoothukudi Corporation submitted that since subdivision has taken place, the petitioner will have to remit further charges to the tune of Rs.300/-. The petitioner is ready to abide by any such requirement. Upon the petitioner remitting the additional charges and furnishing the relevant documents, the petitioner's application for conducting survey 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



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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 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 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.



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

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This writ petition is disposed of accordingly. There shall be no order as to costs.

18.04.2024

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

Note: Issue order copy on 23.04.2024.

To

- 1.The Commissioner,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi Town & District.
- 3.The Head Surveyor,
Thoothukudi Corporation,
Thoothukudi.



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G.R.SWAMINATHAN,J.

MGA

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