



W.P(MD)No.11569 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11569 of 2024

and

W.M.P.(MD)No.10311 of 2024

N.Kirubhanandhasarathi

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District.
- 2.The Block Development Officer,
Bogalur Panchayath,
Ramanathapuram.
- 3.The District Revenue Officer,
Collectorate, Ramanathapuram.
- 4.The Tahsildar,
Paramakudi, Ramanathapuram.
- 5.The President,
Veeravanur Panchayath,
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to admeasure, identify and mark the four boundaries of the total land in Old S.No. 249/9A, New.S.Nos 447/6, 447/15 and carry out the creation of drainage channel for management of grey water in government land.



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For Petitioner : Mr.K.Neethimohan

For Respondents : Mr.N.G.A.Nataraj
Government Advocate

ORDER

The petitioner has enclosed the copy of the patta standing in the name of his grandfather Thiru.Alagan. Prima facie, it appears that the petitioner's application for conducting survey is in order.

2. The fourth respondent is directed to dispose of the petitioner's application 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.



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(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.

(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



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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 ten 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.

(XII) The petitioner's counsel alleges that the pipes are being laid on his patta land. That is why, he wants survey to be conducted. Survey shall be conducted in the presence of the fifth respondent. If the survey results indicate that the pipes have been laid underneath the petitioner's patta land, they shall be removed.

4. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

04.06.2024

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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