



W.P.(MD)No.9882 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **22.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.9882 of 2023

M.Dhanalakshmi

...Petitioner

/Vs./

- 1.The District Collector,
Office of District Collector,
Madurai District, Madurai.
- 2.The Superintendent of Police,
Office of Superintendent of Police,
Madurai District, Madurai.
- 3.The Tahsildar,
Vadipatti Taluka Office,
Vadipatti Taluka,
Madurai District.
- 4.The Sub Inspector of Police,
Kadupatti Police Station,
Kadupatti,
Madurai District.
- 5.Sappani
- 6.Jeeva Bharathi

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to direct the 3rd respondent to survey the lands in survey no.209/1 an extent of 2 Acre 80 cents, Survey no 194/1 an extent of 30 cents and survey no 28/37 an extent of 1 ½ cent in Mullipallam Village, Vadipatti Taluk, Madurai District allotted to the petitioner by way of final decree in I.A.No. 108/2015 in O.S.No.47/2013 on the file of the VI Additional District Court Madurai dated 02.02.2016 with proper protection from the 4th respondent by considering the petitioner's application dated 21.03.2022.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.A.Kannan (R1 & R3)

Additional Government Pleader

Mr.K.Gnana Sekaran (R2 & R4)

Government Advocate

Mr.D.Balamurugapandi (R5 & R6)

ORDER

This Writ Petition is filed seeking issuance of Writ of Mandamus, to direct the 1st respondent to direct the 3rd respondent to survey the lands in S.No.209/1 an extent of 2 Acre 80 cents, S.No.194/1 an extent of 30 cents and S.No.28/37 an extent of 1 ½ cent in Mullipallam Village,



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Vadipatti Taluk, Madurai District, allotted to the petitioner by way of final decree in I.A.No.108/2015 in O.S.No.47/2013 on the file of the VI Additional District Court, Madurai, dated 02.02.2016, with proper protection from the 4th respondent by considering the petitioner's application, dated 21.03.2022.

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner is the owner of the property in S.No.209/1 an extent of 2 Acre 80 cents, S.No.194/1 an extent of 30 cents and S.No. 28/37 an extent of 1 ½ cent in Mullipallam Village, Vadipatti Taluk, Madurai District. The petitioner filed an application on 21.03.2022, along with necessary fee, for survey and demarcation of the boundaries of the subject land. As no action was taken on the petitioner's application, the petitioner filed the writ petition for the aforesaid relief.

4. 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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5. This Court in W.P(MD)No.12676 of 2024, dated 14.06.2024 issued certain directions for considering the application for survey and fixing the boundary. Following the said order, the following directions are issued:

(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. Patta need not be in the name of the applicant. If patta is in the name of the vendor and mutation has not been effected, still the application can be considered.

(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



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(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 as per seniority of applications 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.

6. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

22.11.2024

Index : Yes / No
NCC : Yes / No
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N.MALA, J.

Sm

Order made in
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Dated:
22.11.2024