



W.P(MD)No.11974 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 07.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11974 of 2024

1.M.Ganapathi
2.M.Ravishankar

... Petitioners

Vs.

1.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

2.The Head Surveyor,
Ramanathapuram Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to survey and sub division the land and transfer of Patta in S.No.227/2 in an total extent of 2 Acs 53 cents and 1 Acs vacant land at Soorakottai Village, Soorakottai Groups, Ramanathapuram Taluk, Ramanathapuram District.

For Petitioners : Mr.K.Sathya Singh

For Respondents : Mr.P.Thambi Durai
Government Advocate



W.P(MD)No.11974 of 2024

ORDER

WEB COPY

Heard both sides.

2.The scope of the writ petition is confined only to conducting survey alone. The other aspects can be agitated independently. Liberty is given to the petitioners.

3.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 petitioners.

4.The Writ Petition is disposed of with the following directions:-

(I) The petitioners are directed to submit their application in on-line mode. The survey authority will scrutinize if the application submitted by the petitioners is in order.

(II) The petitioners will have to enclose all the relevant documents such as patta. The applicants must have individual patta in their name. If the petitioners are having only joint patta, co-pattadars must give their consent for conducting



W.P(MD)No.11974 of 2024

survey.

WEB COPY

(III) The survey authority will issue notice to the writ petitioners 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. 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 applicants to



W.P(MD)No.11974 of 2024

move the jurisdictional civil Court for agitating his rights.

WEB COPY

(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 petitioners want to put up fencing and if there is any objection from any private party, fencing can be put up only after the petitioners obtain 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.

(XI) A copy of the survey report along with sketch will be served on the parties. No costs.

07.06.2024

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



W.P(MD)No.11974 of 2024

To

1.The Tahsildar,
Ramanathapuram Taluk,
Ramanathapuram District.

2.The Head Surveyor,
Ramanathapuram Taluk,
Ramanathapuram District.



WEB COPY



W.P(MD)No.11974 of 2024

G.R.SWAMINATHAN,J.

MGA

W.P(MD)No.11974 of 2024

07.06.2024