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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.06.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.12040 of 2024

P.Karunakaran ... Petitioner

**Vs.**

1.The Tahsildar,
Periyakulam Taluk,
Theni District.

2.The Head Surveyor,
Periyakulam Taluk,
Theni District.

3.The Firka Surveyor,
Periyakulam Taluk,
Theni District. ... 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 measure the punja land and fix the four boundaries in S.F.No.3104/19E to an extent of 0.16.0 ares situated at Thamaraikulam Village, Periyakulam Taluk, Theni District as per the 1st respondents proceedings in Na.Ka.No. 1283/2023/S1 dated 24.04.2023.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R3

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**ORDER**

The petitioner has applied to the jurisdictional authority for conducting survey of the petition mentioned lands and for demarcation of the boundaries. Since the authority had not acted upon the petitioner's request, this writ petition came to be filed.

2.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 petitioner.

3.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 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

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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 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.

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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 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.

**10.06.2024**

Index : Yes / No
Internet : Yes/ No
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To

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**G.R.SWAMINATHAN, J.**

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