



W.P(MD)No.12618 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 13.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12618 of 2024

V.R.Paramasivam

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Theni Allinagaram Municipality,
Theni Allinagaram Group,
Theni District.

2.The District Land Surveyor cum
Assistant Director,
Survey and Land records,
District Land Survey Office,
Theni, Theni District.

3.The Superintendent of Police,
Theni District,
Theni.

4.The Inspector of Police,
Allinagaram Police Station,
Theni,
Theni District.

... Respondents



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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 measure the petitioner's land bearing in Survey Nos.1713 part and 616/1 part to an extent of 33 cents, situated at Allingaram Group and Municipality, Theni, Theni District based on the petitioner's representations dated 24.08.2022 and 31.08.2023 to issue a separate patta and consequently directing the respondents 3 and 4 to give police protection for survey the above said land, based on the petitioner's representation dated 07.06.2024.

For Petitioner : Mr.PR.Boomeerajan

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.1 & R.2

Mr.A.Albert James
Government Advocate (Criminal Side)
for R.3 to R.4

ORDER

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 petitioner.



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3.The petitioner is permitted to submit a proper application before the first respondent for conducting survey. The application will be disposed of in the following terms:

(I) The petitioner is directed to submit his / her application in online 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.

(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



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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 undertaken pursuant to the direction of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid.



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(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.

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

13.06.2024

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

To

1.The Tahsildar,
Taluk Office,
Theni Allinagaram Municipality,
Theni Allinagaram Group,
Theni District.

2.The District Land Surveyor cum
Assistant Director,
Survey and Land records,
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4.The Inspector of Police,
Allinagaram Police Station,
Theni, Theni District.

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