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W.P.(MD)NO.12757 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12757 of 2024

Krishnasamy

... Petitioner

Vs.

1. The Tahsildar,
Veerakeralam Pudhur Taluk,
Tenkasi District.
2. The Taluk Surveyor(Land Survey),
Veerakeralam Pudhur Taluk,
Tenkasi District.
3. The Village Administrative Officer,
Marukalangulam,
Veerakeralam Pudhur Taluk,
Tenkasi District.

4. Kasipandian

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to measure the property in S.No.92/1B Marukalangulam Village, V.K.Pudhur Taluk based on the E-challan dated 06.04.2023 and lay survey stones within a time frame as stipulated by this Court.

For Petitioner : Mr.A.Srinivasan

For R-1 to R-3 : Mr.D.Sasikumar,
Additional Government Pleader.

* * *

**ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. Issuance of notice to the private respondents is dispensed with.

3. The learned counsel appearing for the writ petitioner is not sure that the petitioner is having patta in his name. Be that as it may, a copy of the decree dated 02.03.2019 made in O.S.No.648 of 2011 on the file of the Additional District Munsif, Tenkasi has been enclosed. It is a declaratory decree made in favour of the petitioner in respect of the suit second schedule. If the petitioner is unable to produce patta, then survey can very well be conducted in respect of the suit second schedule. While conducting survey, the authority shall bear in the mind the following directions:-

(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



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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 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.

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(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. 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.

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4. This writ petition stands disposed of. No costs.

18.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU

To:

1. The Tahsildar,
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Tenkasi District.
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