



W.P(MD)No.12811 of 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 14.06.2024

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

W.P(MD)No.12811 of 2024

P.Pandian

... Petitioner

Vs.

- 1.The District Collector,  
O/o.The District Collectorate Office,  
Madurai District.
- 2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Usilampatti, Madurai District.
- 3.The Tahsildar,  
O/o.The Tahsildar,  
Usilampatti,  
Madurai District.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to survey the land in S.No.557/61, Usilampatti Town Ward -1, Block - 60, S.No.52 situated at Usilampatti Village, Madurai District based upon the representation dated 08.01.2024 within the time stipulated by this Court.

For Petitioner : Mr.R.Ramsundarvijayraj

For Respondents : Mr.P.Thambi Durai,  
Government Advocate.



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## **ORDER**

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When the matter was taken up for hearing, the learned Government Advocate submitted that the petitioner has to pay a further sum of Rs.2,000/- towards fees. The learned counsel for the petitioner would submit that the petitioner will remit the same. On such remittance, the survey shall be conducted by adhering to 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 interested persons, if any.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.



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(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.

(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



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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.

2.This writ petition is disposed of accordingly. No costs.

**14.06.2024**

NCC : Yes/No  
Index : Yes / No  
Internet : Yes/ No  
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**To:-**

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

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