



W.P(MD)No.13301 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13301 of 2024

Periyasamy

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3.The Taluk Surveyor,
Thirumayam Taluk,
Pudukkottai District.

4.The Inspector of Police,
K.Pudhupatti Police Station,
Pudukkottai District.

5.Padikkasu

... 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 2nd and 3rd respondent to depute a surveyor to measure and fix boundaries of petitioner's property situated at Survey No.180/17 extent about 3.50 Ares (8 Cents) in Keelanilai, Karamangalam village, Thirumayam Taluk, Pudukkottai District and



W.P(MD)No.13301 of 2024

direct the 4th respondent to adequate police protection at the time of measuring by considering the petitioner's representation dated 18.03.2024 within stipulated time fixed by this Court.

For Petitioner : Mr.S.Madhankumar

For Respondent : Mr.K.Balasubramani
Special Government Pleader for R1 to R3

: Mr.A.Albert James
Government Advocate (Crl.side) for R4

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



W.P(MD)No.13301 of 2024

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.

(VII) If the jurisdictional authority finds objections to be



W.P(MD)No.13301 of 2024

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. 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.

21.06.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi



W.P(MD)No.13301 of 2024

To

- 1.The District Collector,
Pudukkottai District.
- 2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
- 3.The Taluk Surveyor,
Thirumayam Taluk,
Pudukkottai District.
- 4.The Inspector of Police,
K.Pudhupatti Police Station,
Pudukkottai District.



WEB COPY



W.P(MD)No.13301 of 2024

G.R.SWAMINATHAN, J.

rmi

W.P(MD)No.13301 of 2024

21.06.2024