



W.P(MD)No.13343 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13343 of 2024

A.Ganapathy

... Petitioner

Vs.

1.The Tahsildar,
Melur Taluk,
Madurai District.

2.The Head Surveyor,
Melur Circle,
Melur Taluk,
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 Respondents measure the petitioner's land in Survey No.499/12A, to an extent of 43 cents, in Patta No.2629, situated at Udanpatti, E.Malampatti, Melur Taluk, Madurai District, based on the release Deed in Document No.6379/2021 and the petitioner's representation dated 22.08.2022 within a stipulated time fixed by this Court.



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For Petitioner : Mr.A.V.Arun

For Respondents : Mr.D.Sasi Kumar,
Addl. Government Pleader.

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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. Patta need not be in the name of the applicant. If patta is in the name of the vendor and mutation has not been effected, still the application can be considered.



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(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. 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.



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(XI) A copy of the survey report along with sketch will be served on the parties. No costs.

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

1.The Tahsildar,
Melur Taluk,
Madurai District.

2.The Head Surveyor,
Melur Circle,
Melur Taluk,
Madurai District.



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G.R.SWAMINATHAN, J.

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