



WP(MD)No.14725 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.12.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.14725 of 2023

R.Palanichamy

...Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy

2. The Revenue Divisional Officer,
Srirangam,
Trichy District.

3.The Tahsildar,
Srirangam Taluk,
Trichy District.

4.The Taluk Surveyor,
Taluk Office,
Srirangam Taluk,
Trichy District.

5.The Firka Surveyor,
Taluk Office,
Srirangam Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents 2 to 4 to survey and demarcate the property comprised in Town Survey Nos.1293 and 1295 to an extent of 1624 sq.ft situated at Ward No.1, Block No.39, Srirangam Zone, Trichy Corporation, Trichy by considering the petitioner's representation dated 02.04.2023 within the time frame that may be fixed by this Court.



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For Petitioner : M/s.R.Yamuna
For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents 2 to 4 to survey and demarcate the property comprised in Town Survey Nos.1293 and 1295 to an extent of 1624 sq.ft situated at Ward No.1, Block No.39, Srirangam Zone, Trichy Corporation, Trichy by considering the petitioner's representation dated 02.04.2023 within the time frame that may be fixed by this Court.

2. The petitioner acquired the property in Town Survey Nos.1293 and 1295 to an extent of 1624 sq.ft situated at Ward No.1, Block No.39, Srirangam Zone, Trichy Corporation, Trichy, from his ancestors. While so, some third parties living in the adjacent area tried to encroach the petitioner's property. The petitioner therefore filed an online application to the respondents along with necessary fee on 15.02.2023 for survey and demarcation of the boundaries of his properties. As no action was taken, the petitioner submitted a representation to the respondents on 02.04.2023. Even thereafter no action was taken. Hence, the petitioner filed the above Writ Petition for the aforesaid relief.



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3. The learned counsel for the petitioner submits that in spite of lapse of one year from the date of representation, survey has not been conducted till date.

4. 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.

5. This Court in W.P(MD)No.12676 of 2024, dated 14.06.2024 issued certain directions for considering the application for survey and fixing the boundary. Following the said order, the following directions are issued:

(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.

(II) The petitioner will have to enclose all the relevant documents such as patta. The applicant must have individual



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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



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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.



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WEB COPY 6. With the aforesaid directions, the Writ Petition stands disposed

of. No costs.

04.12.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

CM

To,

1.The District Collector,
Trichy District, Trichy

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Srirangam,
Trichy District.

3.The Tahsildar,
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N.MALA,J.

CM

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