



WP(MD)No.14853 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.14853 of 2023
and WMP(MD)No.14754 of 2024

V.Patturaja

...Petitioner

Vs.

1.The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Tiruchendur Taluk,
Taluk Office,
Tiruchendur,
Thoothukudi District.

3.The Inspector of Police,
Thiruchendur Taluk Police Station,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents 1 and 2 to survey and fix boundaries in S.No.235/1A to the total extent of 18.5 cents situated at Mela Thiruchendur Village, Thiruchendur Taluk, Thoothukudi District by considering the petitioner's application and E Chellan dated 22.09.2022 within a stipulated period as framed by this Court.

For Petitioner	: Mr.J.David Ganesan
For R1 & R2	: Mr.A.Kannan Additional Government Pleader
For R3	: Mr.K.Gnana Sekaran Government Advocate (Crl.side)



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ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 and 2 to survey and fix boundaries in S.No. 235/1A to the total extent of 18.5 cents situated at Mela Thiruchendur Village, Thiruchendur Taluk, Thoothukudi District by considering the petitioner's application and E Chellan dated 22.09.2022 within a stipulated period as framed by this Court.

2. The property in S.No.235/1A to an extent of 18.5 cents in at Mela Thiruchendur Village, Thiruchendur Taluk, Thoothukudi District belonged to the petitioner's grandfather Petchimuthu. After demise of the petitioner's grandfather, the petitioner's father and other legal heirs of the petitioner's grandfather enjoyed the property. While so, the petitioner applied for patta in his name and patta was issued in Patta No.1455. The petitioner, with a view to fence his property, filed an online application along with requisite fees on 22.09.2022 for survey and for fixing the boundaries. As no action was taken on the petitioner's application, the petitioner submitted a representation on 20.11.2022. Even thereafter no action was taken. Hence, the petitioner filed the above Writ Petition for



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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



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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. 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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6. With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

04.12.2024

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

CM

To,

1.The Tahsildar,
Thiruchendur Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
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N.MALA,J.

CM

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