



WP(MD)No.14963 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.14963 of 2023

R.Ilavarasi

...Petitioner

Vs.

1.The Tahsildar,
Lalgudi Taluk,
Trichy District.

2.The Taluk Surveyor,
Taluk Office,
Lalgudi Taluk,
Trichy District.

3.The Firka Surveyor,
Taluk Office,
Lalgudi Taluk,
Trichy District.

4.Kanagaraj
5.Gandhimathi

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents 1 to 3 to survey and demarcate the petitioner's property comprised in Survey No. 109/4 to an extent of 0.254 sq. mt house in a dilapidated condition and to an extent of 2734 sq.ft vacant land, Patta No.142, situated at Keelaperungavoor Village, Lalgudi Taluk, Trichy District by considering the petitioner's representation dated 11.04.2023, within the time frame that may be fixed by this Court.

For Petitioner : Mr.R.Yamuna
For R1 to R3 : Mr.A.Kannan
Additional Government Pleader



WP(MD)No.14963 of 2023

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ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 to 3 to survey and demarcate the petitioner's property comprised in Survey No.109/4 to an extent of 0.254 sq. mt house in a dilapidated condition and to an extent of 2734 sq.ft vacant land, Patta No.142, situated at Keelaperungavoor Village, Lalgudi Taluk, Trichy District by considering the petitioner's representation dated 11.04.2023, within the time frame that may be fixed by this Court.

2. It is seen that the petitioner purchased the land in Survey No. 109/4 to an extent of 2734 sq ft. along with a dilapidated house to an extent of 0.254 sq.mt in Keelaperungavoor Village, Lalgudi Taluk, Trichy District, under a sale deed dated 21.07.2022. The petitioner was also issued in patta No.142 for the said property. While so, the respondents 4 and 5 tried to interfere with the petitioner's possession and enjoyment of the property. The petitioner therefore submitted an online application to the respondents on 09.11.2022 for survey and demarcation of his property. As no action was taken, the petitioner submitted a representation dated 11.04.2023. As there was no action



WP(MD)No.14963 of 2023

even thereafter, the petitioner filed the above writ petition for the aforesaid relief.

3. 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.

4. 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 patta in his / her name. If he / she is having joint patta, co-



WP(MD)No.14963 of 2023

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 having substance, then, he shall call upon the applicant to



WP(MD)No.14963 of 2023

5. 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 Tahsildar,
Lalgudi Taluk,
Trichy District.

2.The Taluk Surveyor,
Taluk Office,
Lalgudi Taluk,
Trichy District.

3.The Firka Surveyor,
Taluk Office,
Lalgudi Taluk,
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WP(MD)No.14963 of 2023

N.MALA,J.

CM

W.P(MD)No.14963 of 2023

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