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W.P.(MD)No.15677 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2024

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.15677 of 2023

B.Jeyakumar

... Petitioner

Vs.

1.The Tahsildar,
Vedasendur Taluk,
Dindigul District.

2.The Firka Surveyor,
Vedasendur Taluk,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to survey and demarcate the four boundaries by planting survey stones in S.No.806/3B1 situated at Kuttam Village, Vedasendur Taluk, Dindigul District based on the online application vide Challan No.20230510016987, dated 10.05.2023 within stipulated time as fixed by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.M.Muthumanikkam
Government Advocate



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ORDER

This writ petition has been filed for a direction to the respondents to survey and demarcate the petitioner's property in S.No.806/3B1, at Kuttam Village, Vedaendur Taluk, Dindigul District, by considering the petitioner's online application, dated 10.05.2023.

2. The subject property in S.No.806/3B1, at Kuttam Village, Vedaendur Taluk, Dindigul District, originally belonged to the petitioner's mother, Rengammal, under registered sale deed, dated 17.09.1992. The petitioner's father died on 05.07.2008, and subsequently his mother died on 31.01.2015. After the demise of the petitioner's parents, the petitioner and his brother as their legal heirs became entitled to the property. The petitioner and his brother wanted to partition the property. The petitioner therefore applied for survey of lands vide online application, dated 10.05.2023, along with necessary fee. As no action was taken on the petitioner's application, the petitioner filed the above writ petition for the aforesaid relief.

3. Normally, this Court would not entertain the writ for Mandamus in the absence of representation, but in the present case, as the petitioner's application is kept pending since May 2023, I am inclined to issue direction to the respondents to conduct survey and demarcate the petitioner's property.



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4. With the consent of both learned counsels, this writ petition is taken up for final disposal. If any person is aggrieved by this order, it is open to them 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 of 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-pattadars must give their consent for conducting survey.

(III) The survey authority will issue notice to the writ petitioner



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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 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



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mandated to grant police protection.

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(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 **as per seniority of applications** 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.

5. With the aforesaid directions, the writ petition stands disposed of. No costs.

10.12.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

1.The Tahsildar,



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Vedasendur Taluk,
Dindigul District.

2.The Firka Surveyor,
Vedasendur Taluk,
Dindigul District

N.MALA, J.

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