



W.P(MD)No.16090 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16090 of 2024

Sankaran Pillai

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Pudukkottai.

2.The Tahsildar,
Taluk Office,
Tirumayam,
Pudukkottai District.

3.The Surveyor,
Taluk Office,
Tirumayam,
Pudukkottai District.

4.The Village Administrative Officer,
Thulaiyanur Group Village,
Thirumayam Taluk,
Pudukkottai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 3rd respondent to survey the lands in survey numbers 461/1G, 461/1H, 461/3A of Thulaiyanur village, Tirumayam taluk, Pudukkottai district, in pursuant to the judgment and decree of this Court in S.A.(MD) No. 1241 / 1997 passed on 27th February



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2020 and in accordance with the Learned Advocate Commissioners report dated 30th January 2019 in C.M.P.(MD) No. 11520/2018 in S.A.(MD) No. 1241 /1997 by considering the petitioner's representation dated 25.03.2024 and pass appropriate orders within a time frame fixed by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.P.Thambi Durai
Government Advocate

ORDER

When the matter was taken up for hearing, the learned Government Advocate pointed out that while for two survey numbers, the petitioner is having patta, in respect of the third survey number, he is not having patta.

2. The stand of the petitioner's counsel is that he is having civil Court's decree in his favour. If there is civil Court's decree in his favour, even if patta is not there, it has to be acted upon. 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.

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



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



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jurisdictional civil Court for agitating his rights.

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(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. No costs.

18.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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