



W.P(MD)No.15564 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15564 of 2023

N.Muniyappan

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Dindigul East Taluk, Dindigul.

3.The Head Surveyor,
Dindigul East Taluk, Dindigul.

... 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 2nd and 3rd respondent to conduct the survey to the application submitted to 2nd respondent by the petitioner in Application No.2023/0105/13/345125 dt. 27.5.23 and to transfer patta in the name of petitioner by fixing a time frame.

For Petitioner : Mr.R.Ramasamy

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

Heard both sides.

2. The petitioner purchased the property from one Sivanathan. The said Sivanathan in turn purchased the property from one Rajammal. Rajammal has two patts. Patta Nos.1254 & 2395. Patta No.2395 is an individual patta. Patta No.1254 is a joint patta. The petitioner can seek survey of the land covered under Patta No.2395. He can seek survey in respect of Survey No.1254 only if the other pattadhars give their consent.

3. Survey in respect of the property covered under Patta No.2395 shall be conducted in the following manner:-

(I) 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 his / her name. If he / she is having joint patta, co-pattadars must given 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.



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(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 mandated to grant police protection.

(IX) It is made clear that at the end of the survey exercise,



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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. No person shall put up fencing at the time of survey by using police aid.

(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.

4. For Patta No.1254, the Tahsildar, Dindigul East is directed to conduct enquiry on being satisfied that the petitioner has purchased the property from Rajammal's purchasers. The name of the petitioner shall be included as joint pattadhar. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs.

27.03.2024

Index : Yes / No
Internet : Yes/ No
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To

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Dindigul.
- 2.The Tahsildar,
Dindigul East Taluk, Dindigul.
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G.R.SWAMINATHAN, J.

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