



WP(MD). No.16409 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11/12/2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP(MD). No.16409 of 2023

Karupayammal

... Petitioner

Vs.

1. The Thasildar,
Kayathar Taluk, Thoothukudi District.

2. The Assistant Director of La,
Nd and Survey, Thoothukudi Street,
Thoothukudi.

3. The Head Surveyor,
Kayathar Taluk,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus by directing the 1st respondent to survey and demarcate the petitioner land being an extent of 8.15 cents out of the total extent of 40.75 cents comprised in Re-Survey No.80/2, Patta No.1043, and being an extent of 66 cents out of total extent of 3.31 Acres comprised in Re-Survey No.80/8, Patta No.1043 of Nagampatti Village, Kayathar Taluk, Thoothukudi District based on the petitioner survey application dated 07.10.2020 made to the 1st respondent.



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For Petitioner : Mr.V.Angusamy
For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the first respondent to survey and to demarcate the petitioner's land to an extent of 8.15 cents out of the total extent of 40.75 cents comprised in Re-Survey No.80/2, 66 cents in Re-Survey No.80/8, Patta No.1043 of Nagampatti Village, Kayathar Taluk, Thoothukudi District based on the petitioner's survey application dated 07.10.2020 to the first respondent.

2. The property was settled by the husband of the petitioner vide a settlement deed dated 07.09.2017. Patta for the said land was issued in Patta No.1043. The petitioner filed an application on 07.10.2020, to the respondents along with necessary fee for survey and for demarcation of the boundaries of the lands. As the respondents did not process the petitioner's application, the petitioner submitted a representation dated 19.05.2023 in the grievance camp. Even thereafter, no action was taken.



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Therefore, the petitioner filed the above writ petition for the aforesaid relief.

3. 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-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



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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 as per seniority of application after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will be served on the parties.

6. With the aforesaid directions, the Writ Petition stands disposed of. No costs.



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TO

1. The Thasildar,
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2. The Assistant Director of La,
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3. The Head Surveyor,
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N.MALA,J

CM

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