



WP(MD). No.16682 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11/12/2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP(MD). No.16682 of 2023

Pulendiran

... Petitioner

Vs.

1. The Thasildar,
Lalgudi, Tiruchirappalli..

2. The Deputy Inspector of Survey,
Taluk Office, Lalgudi,
Tiruchirappalli..

... Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to survey the petitioner's agriculture land measuring 7 acres 35 cents in S.F.No.172/2, 172/A and 172/2B4 in Nambukurichi village, Lalgudi taluk, Trichy district and house site measuring hec. 000.34 ares in Natham S.F.No.443/9 in Sirukalapur village, Lalgudi Taluk, Trichy District.

For Petitioner : Mr.S.Muthukrishnan,

For Respondents : Mr.A.Kannan

Additional Government Pleader



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ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents to survey the petitioner's agricultural land measuring 7 acres 35 cents in S.F.Nos.172/2, 172/A and 172/2B4 in Nambukurichi Village, Lalgudi Taluk, Trichy District, and house site measuring hec.000.34 ares in Natham S.F.No.443/9 in Sirukalapur Village, Lalgudi Taluk, Trichy District.

2. The petitioner and his brother owned a house site in Nambukurichi Village, Lalgudi Taluk, Trichy District. In 1997, there was an oral partition between the petitioner and the petitioner's brother's family. The petitioner applied for survey of the property and subdivision of the property as per partition made in the year 1997 along with requisite fee on 09.05.2023. The petitioner also submitted a petition along with all the necessary documents on 11.05.2023, to the respondents. In pursuance of the same, the District Revenue Officer, Tiruchirappalli communicated to the first respondent vide letter dated 06.06.2023 to take action on the petitioner's application dated 11.05.2023



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and to inform the petitioner about the same.

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3. The learned counsel for the petitioner submitted that even though communication was sent by the District Revenue Officer, Tiruchirappalli, as early as on 06.06.2023, no action was taken by the first respondent. The learned counsel therefore prays that a direction may be issued to the first respondent to survey and demarcate the petitioner's land.

4. 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.

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 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



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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 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



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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, 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



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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.

11.12.2024

Index : Yes / No
NCC : Yes / No
CM

TO

1. The Thasildar,
Lalgudi, Tiruchirappalli.

2. The Deputy Inspector of Survey,
Taluk Office, Lalgudi,
Tiruchirappalli..



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N.MALA,J

CM

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