



W.P(MD)No.17202 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17202 of 2024

Sangeetha

... Petitioner

Vs.

1.The Commissioner,
Tirunelveli Corporation,
Tirunelveli Town & District.

2.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli Town & District.

3.The Head Surveyor,
Tirunelveli Corporation,
Tirunelveli Town & District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to conduct survey in the petitioner's land and fix four boundaries in Town survey No. 2550 house site at Ward No. 9 Block No.16, Kandiyaperi part-2, Thatchanallur, Tirunelveli Town and Taluk, Tirunelveli District by way of considering the petitioner's application dated 19.07.2024.



W.P(MD)No.17202 of 2024

For Petitioner : Mr.R.Jegadeeswaran
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R.2 & R.3

ORDER

The petitioner has applied to the jurisdictional authority for conducting survey of the petition mentioned lands and for demarcation of the boundaries. Since the authority had not acted upon the petitioner's request, this writ petition came to be filed.

2.This writ petition is disposed of at the admission stage itself. 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.

3.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. 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.



W.P(MD)No.17202 of 2024

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it shall be disposed of on merits and in accordance with law within a period of four weeks thereafter.

(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.



W.P(MD)No.17202 of 2024

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(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.

26.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MGA

To

1.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli Town & District.

2.The Head Surveyor,
Tirunelveli Corporation,
Tirunelveli Town & District.



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W.P(MD)No.17202 of 2024

G.R.SWAMINATHAN,J.

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W.P(MD)No.17202 of 2024

26.07.2024