



W.P(MD)No.17567 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17567 of 2024

- 1.Sheik Ali
- 2.Sheik Salahudeen
- 3.Sheik Shafiudeen
- 4.Sheik Sameerudeen
- 5.Nasreen Fathima
- 6.Mufeedha Hakeem
- 7.Ahamed Jaseem
- 8.Sithi Rafeeka
- 9.Ibrahim Ali
- 10.Mohamed Mariyam
- 11.Hatheeja Ammal
- 12.Abdul Kadar

... Petitioners

Vs.

- 1.The Tahsildar,
Office of the Tahsildar,



W.P(MD)No.17567 of 2024

Pattukottai Taluk,
Thanjavur District.

2.The Head Surveyor,
Pattukottai Tahsildar Office,
Thanjavur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey the land in connection with survey number 240/1 to an extent of 2 acre 56 cents situated at Adiramapattinam Village, Pattukottai Taluk, Thanjavur District with adequate police protection at the time of survey the land by considering the petitioner's representation dated 23.07.2024.

For Petitioners : Mr.D.S.Haroon Rasheed

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

When the matter was taken up for hearing, the learned Special Government Pleader submitted that the petitioners are having only joint patta. When one of the joint pattadhars wants survey to be conducted, notice has to be issued all the other joint pattadhars. If all the joint pattadhars appear before the authority and there is consensus, then survey to be conducted. If there is no consensus or some of the joint pattadhars do not appear or do not co-operate, then the applicants have to move



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before the jurisdictional civil Court for partition. If survey is to be conducted, the following directions shall be adhere to:

(I) The petitioners are directed to submit their application/s in on-line mode. The survey authority will scrutinize if the application/s submitted by the petitioners is in order. Patta need not be in the name of the applicants. If patta is in the name of the vendor and mutation has not been effected, still the application can be considered.

(II) The petitioners will have to enclose all the relevant documents such as patta. The applicants must have individual patta in their name. If they having joint patta, co-pattadars must give their consent for conducting survey.

(III) The survey authority will issue notice to the writ petitioners 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



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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. If any suit is filed, subject to plaint being in order, it shall be numbered immediately. If any interlocutory application is filed, 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 applicants 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.



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(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 petitioners want to put up fencing and if there is any objection from any private party, fencing can be put up only after the petitioners obtain 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.

30.07.2024

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

To

1. The Tahsildar,
Office of the Tahsildar,
Pattukottai Taluk,
Thanjavur District.



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2.The Head Surveyor,
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Thanjavur District.

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