



W.P(MD)No.17858 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17858 of 2024

Karpagam

... Petitioner

Vs.

1.The Tahsildar,
Dindigul,
Dindigul District.

2.The Head Surveyor,
Nilakottai,
Nilakottai Taluk,
Dindigul District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to survey and demarcate the land in Survey No.273/7A and 273/4B in Joint Patta No.4409 situated at Pallapatti Village Nilakottai Taluk, Dindigul District by considering the petitioner's representation dated 11.07.2024 vide payment Challan dated 05.07.2023 within the time frame as fixed by this Court.

For Petitioner : Mr.V.Santhkumaresan



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For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader

ORDER

When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the petitioner is 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 applicant has to move before the jurisdictional civil Court for partition. If survey is to be conducted, the following directions shall be adhere to:

(I) 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



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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 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.



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(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 exercise one way or the other within a period of six weeks after service of notice on the interested persons.



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(XI) A copy of the survey report along with sketch will

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31.07.2024

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

To

1.The Tahsildar,
Dindigul,
Dindigul District.

2.The Head Surveyor,
Nilakottai,
Nilakottai Taluk,
Dindigul District.



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G.R.SWAMINATHAN,J.

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