



WP(MD)No.24068 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.24068 of 2024**

T.Chitra Velaye

.. Petitioner

v.

1.The Tahsildar,  
Madurai West Taluk,  
Madurai District.

2.The Surveyor,  
Madurai West Taluk,  
Madurai District.

3.Subramanian

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 & 2 to conduct survey and measurement and mark the four boundaries as fixed by the competent authorities in New S.No.15/3, Old S.No.104/1 in Plot No.B to the total extent of 1619.5 square feet situated at Kochadai Village,



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Madurai West Taluk, Madurai District, by considering the petitioner's application dated 10.02.2023 and 16.08.2024, within a stipulated time limit.

For Petitioner : Mr.C.Saravanakumar

For Respondents : Mr.P.Thambidurai,  
Government Advocate  
for R.1, R.2

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### **ORDER**

The petitioner claims right over the property in New S.No.15/3, Old S.No.104/1 in Plot No.B to an extent of 1619.5 square feet situated at Kochadai Village, Madurai West Taluk, Madurai District. She has made an application for surveying the property on 10.02.2023 and 16.08.2024 before the first respondent. Alleging that the said application is still pending without any progress, the petitioner has filed this writ petition seeking a mandamus to conduct survey.

2.Mr.P.Thambidurai, learned Government Advocate, takes notice for the respondents 1 & 2 and submitted that the first application dated 10.02.2023 was rejected, since a civil dispute is pending between the



petitioner and her rival claimant. The second application has been made only in the month of August, 2024 and the same is under consideration and that they would take a decision shortly.

3.Learned Counsel for the petitioner disputed the same and submitted that the petitioner is not a party to any civil litigation. Therefore, the petitioner has made the second application dated 16.08.2024 for surveying the property.

4.Be that as it may, considering the limited relief sought for by the petitioner, this writ petition stands disposed of, in the admission stage itself, with the following directions:-

- a) The survey authority shall scrutinize the application filed by the petitioner, if it is in order.
- b) The petitioner shall enclose all the relevant documents, such as patta. If the petitioner is having only a joint patta, he must get consent from the co-pattadors for conducting survey.
- c) The survey authority shall issue notice to the petitioner as



well as to the adjacent land owners and also to the interested persons, if any.

d) The survey authority shall conduct an enquiry u/s.10 of the Tamil Nadu Survey and Boundaries Act, 1923. During enquiry, the objections raised by the adjacent land owners / interested persons shall be considered.

e) If the surveyor finds the objections to be having substance, then, he shall pass appropriate orders calling upon the applicant to move the jurisdictional civil Court.

f) If, according to the survey authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey shall be conducted only after a period of six weeks, enabling the objectors to move the concerned Court for injunction, if they are so advised. If, before the proposed date of survey, the objectors are not able to obtain any injunction order, then the survey can very well go on.

g) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. Though it is not



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binding on the surveyor, he shall take note of the same.

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h) If required, the surveyor is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.

i) 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 directions of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid.

j) The surveyor shall conclude the entire exercise, one way or the other, within a period of six weeks after service of notice on the interested persons.

k) After the survey, a copy of the survey report along with the sketch shall be served on the parties.

There shall be no order as to costs.

Index : Yes / No  
NCC : Yes / No  
Internet : Yes  
gk

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**B.PUGALENDHI, J.**

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To

- 1.The Tahsildar,  
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Madurai District.
- 2.The Surveyor,  
Madurai West Taluk,  
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