



WP(MD)No.24048 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.24048 of 2024

R.Parvathi

.. Petitioner

v.

1.The District Revenue Officer,
O/o.District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Assistant Director,
Land Survey,
District Land Survey Office,
Sivagangai.

3.The Tahsildar,
O/o.Tahsildar,
Sivagangai.

4.Sathish

5.Alagarsamy

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Mandamus forbearing the third respondent



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from surveying the land comprising in S.No.270/4, Valaiyarathinipatti Melapoonkodi Revenue Village, Sivagangai District, based on the petitioner's representation dated 09.09.2024.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.P.Thambidurai,
Government Advocate
for R.1 to R.3

ORDER

The petitioner claims that she is having a right over the property in S.No.270/4, Valaiyarathinipatti Melapoonkodi Revenue Village, Sivagangai District, however, without her knowledge, the father of the respondents 4 & 5 has approached this Court and has obtained an order for conducting survey. Therefore, the petitioner has approached this Court seeking a mandamus forbearing the third respondent from conducting any survey of the property in S.No.270/4.

2.Learned Counsel for the petitioner submitted that the father of the respondents 4 & 5 has obtained the order in WP(MD)No.16591 of 2024,



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dated 23.07.2024, behind the petitioner's back. Without the petitioner's knowledge and by suppressing that this petitioner is also having a share in the subject property, the father of the respondents 4 & 5 has obtained the order for conducting survey.

3.Mr.P.Thambidurai, learned Government Advocate, takes notice for the respondents 1 to 3 and submitted that they are conducting the survey based on the orders passed by this Court in WP(MD)No.16591 of 2024, dated 23.07.2024. He further submitted that the authorities attempted to survey the property today, however, on the objections raised by the petitioner by referring this writ petition, the survey was not conducted.

4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.The grievance of the petitioner is that she is also having a right over the property in S.No.270/4, Valaiyarathinipatti Melapoonkodi Revenue Village, Sivagangai District, however, without disclosing the same, the



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father of the respondents 4 & 5 has obtained the order dated 23.07.2024 in WP(MD)No.16591 of 2024.

6.The said writ petition in WP(MD)No.16591 of 2024 was filed by one Raman, the father of the respondents 4 & 5 herein and this Court has disposed of the said writ petition by order dated 23.07.2024 in the following terms:-

“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.

(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 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 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.

(XI) A copy of the survey report along with sketch will be served on the parties."

7.The rights of the parties, including the petitioner herein, has been protected in the order dated 23.07.2024, in clauses 3-(iii), (iv), (vi), (vii). Since the right of this petitioner and the other interested persons has already been protected in the order in WP(MD)No.16591 of 2024, this Court is not inclined to grant the relief as prayed for in this writ petition.

8.Be that as it may, since it is reported that the survey proposed to be conducted today has been postponed, the Surveyor is expected to issue a fresh notice to the parties, including the petitioner herein, calling for objections, if any. The petitioner is at liberty to raise her objections, if any,



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before the Surveyor. The Surveyor, thereafter, shall consider the same and pass appropriate orders in accordance with Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923, one way or the other. Needless to say that as against the order passed u/s.10 of the Act, the aggrieved party is having an appeal remedy u/s.11 of the Act.

Accordingly, this writ petition stands disposed of. No costs.

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

14.10.2024

To

1.The District Revenue Officer,
O/o.District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Assistant Director,
Land Survey,
District Land Survey Office,
Sivagangai.

3.The Tahsildar,
O/o.Tahsildar,



Sivagangai.

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B.PUGALENDHI, J.

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