



W.P(MD)No.24177 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24177 of 2024

S. Gopiraj

... Petitioner

Vs

**1. The Tahsildar,
Aundipatti Taluk,
Theni District.**

**2. The Firka Surveyor,
Aundipatti Taluk,
Theni District.**

**3. The Inspector of Police,
Rajathani Police Station,
Theni District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 and 2 to survey and demarcate the petitioner's lands in Survey No. 1317/3 and 1317/2B in Mottanuthu Village, Aundipatti Taluk, Theni District and directing the 3rd respondent to provide police protection at the time of surveying the said land.



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For Petitioner : Mr.Sp.Vijaynivas,
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader
For R3 : Mr.K.Gnanasekaran
Government Advocate (Crl.Side)

ORDER

The petitioner claims right over the properties in S.Nos. 1317/3 and 1317/2B in Mottanuthu Village, Aundipatti Taluk, Theni District. He has made an application for surveying the property on 09.09.2024 before the concerned Revenue Divisional Officer and the second 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.B.Saravanan, learned Additional Government Pleader, takes notice for the respondents 1 and 2 and Mr.K.Gnanasekaran, learned Government Advocate (Crl.Side) takes notice for the third respondent.

3.Considering the limited relief sought for by the petitioner, this



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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



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

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.



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k) After the survey, a copy of the survey report along

WEB COPY with the sketch shall be served on the parties.

There shall be no order as to costs.

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

LR

To

1. The Tahsildar,
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Theni District.

2. The Firka Surveyor,
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B.PUGALENDHI, J.

LR

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