



W.P(MD)No.24195 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24195 of 2024

Mariyaselvi

... Petitioner

Vs

1. The Tahsildar,
Kaalayarkovil Taluk,
Sivagangai District.

2. The Firga Surveyor,
Department of Land Survey,
Kalayarkovil Taluk Office,
Sivagangai.

... 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 to carry out the appropriate survey and demarcate the boundaries of the petitioners own land in Survey No. 113/2C1, (Patta No. 645), to an extent of 0.51.80 Hectare, which is situated in Chamber Revenue Village, Kalayarkovil Taluk, Sivagangai District, based on the petitioner's survey Petition Number.2024/0123/23/004010, dated 31.08.2024, within a stipulated time that may be fixed by this Court.



W.P(MD)No.24195 of 2024

For Petitioner : Mr.R.Senthilkumar,

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner claims right over the property in S.No. 113/2C1 to an extent of 0.51.80 Hectares in Chamber Revenue Village, Kalayarkovil Taluk, Sivagangai District. She has made an application for surveying the property on 31.08.2024 before 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.

3.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



WEB COPY



W.P(MD)No.24195 of 2024

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



W.P(MD)No.24195 of 2024

WEB COPY

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.

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



W.P(MD)No.24195 of 2024

There shall be no order as to costs.

WEB COPY

16.10.2024

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

LR

To

1. The Tahsildar,
Kaalayarkovil Taluk,
Sivagangai District.

2. The Firga Surveyor,
Department of Land Survey,
Kaalayarkovil Taluk Office,
Sivagangai.



WEB COPY



W.P(MD)No.24195 of 2024

B.PUGALENDHI, J.

LR

W.P(MD)No.24195 of 2024

16.10.2024