



W.P(MD)No.24507 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24507 of 2024 and
WMP(MD) No.20849 of 2024

G.Karuppannan

... Petitioner

Vs

1.The District Collector,
Madurai District, Madurai.

2.The Assistant Director,
Land Survey and Registration Department,
Madurai District, Madurai.

3.The Tahsildar,
Madurai North Taluk, Madurai.

4.The Head Surveyor,
Madurai North Taluk, Madurai.

5.P.Prasanna

6. Karthiyayini

...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 to 4 to rectify the measurement in the Survey



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sketch pertaining to the property in S.No. 33/1A and 33/1B, Alathur Village then Chokkikulam Sub Division now Chettikulam North, Madurai North, Madurai District by considering the representation of the petitioner dated 26.09.2024.

For Petitioner	:Mr.G.Prabhu Rajadurai,
For R1 to R4	:Mr.D.S.Nedunchezian
	Government Advocate

ORDER

The petitioner has approached this Court, seeking a Mandamus, for conducting survey of his property in S.Nos.33/1A, 33/1B of Alathur Revenue Village, Madurai North Taluk, by considering his representation dated 26.09.2024.

2.The learned counsel appearing for the petitioner submits that the petitioner is a developer of layout, namely, Sri Annai Meenakshi Nagar, North (Extn-11), situated in S.Nos.33/1A & 33/1B. The petitioner has purchased the above property from one Sasikumar S/o Periyakaruppan and Jayanthi Wo Jeyakumar. The



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petitioner's vendors were issued with pattas in Patta Nos.1397 and 1503 to an extent of 81.5 cents. According to the learned counsel, the land in S.No.33/1A is to an extent of 0.18.21 Hectares and the land in 33/1B is 0.14.79 Hectares. Therefore, according to him, the subject land is around 81.50 cents. However, in ground, the exact extent is not available. The learned counsel further submits that the properties of the respondents 5 & 6 in S.Nos.20/1, 20/3 and 20/7 are situated in the southern side of the petitioner's property and they are attempting to prepare a layout and also applied for an approval. Without proper survey, grant of layout approval to the respondents 5 & 6 would prejudice the petitioner's rights. Therefore, this petitioner has submitted a representation on 26.09.2024 for conducting survey and the same was not considered by the respondents.

3.Mr.D.S.Nedunchezian, learned Government Advocate takes notice for the respondents and submits that the applications for survey of lands are entertained by the respondents only through online. However, the petitioner has submitted his application



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through post and the same was received only on 26.09.2024 and therefore, the survey could not be conducted.

4.Considering the submission made by the learned Government Advocate that they are entertaining the applications only through online mode and also considering the limited prayer sought for by the petitioner, this writ petition is disposed of with the following directions:-

- a) The petitioner is directed to submit an application through online along with required fee, within a period of two weeks from the date of receipt of a copy of this order.
- b) The survey authority shall scrutinize the application filed by the petitioner, if it is in order.
- c) 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.



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- d) 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, including the respondents 5 & 6 herein.
- e) 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.
- f) 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.
- g) 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.



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- h) 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.
- i) If required, the surveyor is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.
- j) 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.
- k) 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.
- l) After the survey, a copy of the survey report along with the sketch shall be served on the parties.



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There shall be no order as to costs. Consequently,
connected Miscellaneous Petition is closed.

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

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.
- 3.The Tahsildar,
Ilayangudi Taluk,
Sivagangai District.



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B.PUGALENDHI, J.

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