



W.P(MD)No.26043 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)No.26043 of 2024

M.Radhakrishnan

... Petitioner

Vs.

1.The Tahsildar,
Manapparai Taluk,
Trichy District.

2.The Taluk Surveyor,
Manapparai Taluk,
Trichy District.

3.The Inspector of Police,
Manapparai Police Station,
Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take necessary steps to demarcate and subdivide the petitioner's property in S.F.No.6/8 to an extent of 0.02.50 Ares situated at Seegampatti village, Manapparai Taluk, Trichy District, based on the petitioner's application dated 21.03.2024 within a stipulated time in accordance with law.



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For Petitioner : Mr.K.Sreenivasan
for Mr.A.Thiyagarajan

For Respondents : Mr.A.Kannan
Additional Government Pleader

ORDER

The writ petition has been filed to direct the respondents 1 and 2 to take necessary steps to demarcate and subdivide the petitioner's property in S.F.No.6/8 to an extent of 0.02.50 Ares situated at Seegampatti village, Manapparai Taluk, Trichy District, based on the petitioner's application dated 21.03.2024.

2. The petitioner stated that the property in SF.No.6/8 to an extent of 0.02.50 ares, originally belonged to his father. The petitioner along with his family members were in enjoyment and possession of the subject property and the revenue records like Patta, Chitta and Adangal stood in their name. As the petitioner's adjacent landowners disturbed the petitioner's possession, the petitioner submitted an application on 21.03.2024, and also paid necessary fee of Rs.800/- in Chellan No. 20240321008479 for survey and demarcation of the subject property. The respondents 1 and 2 did not conduct the survey though they received the charges for the same and therefore the petitioner filed the above Writ Petition for the aforesaid relief.



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3. With the consent of both learned counsels, this writ petition is disposed of at the admission stage itself. If any person is aggrieved by this order, it is open to them to move this Court either by way of review or recall of this order, if there is any suppression of material facts by the petitioner.

4. This Court in W.P(MD)No.12676 of 2024, dated 14.06.2024 issued certain directions for considering the application for survey and fixing of boundary. Following the said order, the following directions are issued:

(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



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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.



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(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.



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(X) The survey authority will conclude the entire exercise one way or the other within a period of 12 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.

5. With the aforesaid directions, the writ petition stands disposed of. No costs.

04.11.2024

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

To

- 1.The Tahsildar,
Manapparai Taluk,
Trichy District.
- 2.The Taluk Surveyor,
Manapparai Taluk,
Trichy District.
- 3.The Inspector of Police,
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N.MALA, J.

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