



WP(MD)No.26747 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.12.2024**

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.26747 of 2024

C.B.Suresh

...Petitioner

Vs.

1.The District Collector,
Collectorate,
Tiruchirapalli District 620 001

2.The Thasildar,
Thiruverumbur Taluk Office,
Tiruchirapalli District 620 013

3.The Taluk Inspector of Survey,
Survey Division,
Taluk Office,
Thiruverumbur 620 013
Tiruchirapalli District.

4.The Inspector of Police,
Navalpattu Police Station,
Tiruchirapalli District 620 026

5.Kumar

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents 1 to 4 to conduct the survey in SF.Nos.49/5F1, 49/5H1 and 49/5F2 (Corresponding SF.No.49/5F2A1) of Gundur Village, Thiruverambur Taluk, Trichy District by using advanced technology (Drone Survey) and demarcate the boundaries and install the survey stones on the basis of patta and sale deeds in respect of the above said properties within a stipulated time as may be fixed by this Court.



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For Petitioner	: Mr.R.Paranjothi
For R1 to R3	: Mr.A.Kannan Additional Government Pleader
For R4	: Mr.K.Gnana Sekaran Government Advocate (Crl.side)
For R5	: Mr.A.Vel Kanni

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 to 4 to conduct the survey in SF.Nos.49/5F1, 49/5H1 and 49/5F2 (Corresponding SF.No.49/5F2A1) of Gundur Village, Thiruverambur Taluk, Trichy District by using advanced technology (Drone Survey) and demarcate the boundaries and install the survey stones on the basis of patta and sale deeds in respect of the above said properties within a stipulated time as may be fixed by this Court.

2. The property in SF.Nos.49/5F1 to an extent of 1 acre and 9 cents was purchased by the petitioner's father, Balamuthu under a registered sale deed dated 26.02.1997. The properties in S.No. 49/5F2 to an extent of 96 cents and in S.No.49/H1 to an extent of 25.50 ares (62.98 cents) were purchased by the petitioner's mother Pattu under a registered sale deed dated 30.12.2011. According to the petitioner, the aforesaid properties were in single block in Gundoor Village, Thiruverambur Taluk, Trichy District. As the fifth respondent, who was doing real estate



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business, was trying to interfere with the petitioner's possession, the petitioner and his brother requested the respondents 1 to 3 to conduct survey of the subject lands and to fix the boundaries and paid the requisite fee for survey. As the survey was not properly conducted, the petitioner requested the respondents to conduct the survey with advanced (drone) technology. The respondents 1 to 3 did not initiate any action and so the petitioner sent a representation on 18.04.2024, requesting them to conduct survey using drone technology. As even thereafter no action was taken by the respondents 1 to 3, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned counsel for the petitioner submits that on earlier occasion, survey was conducted, but not in a proper manner and therefore, he prays that survey may be conducted with advance technology (drone survey).

4. The learned Additional Government Pleader, on instructions, submits that the respondents were agreeable to conduct survey by using advance technology (drone survey).



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5. The learned counsel for the fifth respondent submits that he has no objection to drone survey, but an opportunity should be given to him to participate in the survey.

6. I have heard the learned counsels appearing for the parties and perused the materials available on record.

7. As the respondents 1 to 3 have agreed for conducting survey by using drone technology, a direction is issued to the respondents 1 to 3 to conduct survey by using advance technology(drone survey).

8. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. It is open to any aggrieved party 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.

9. 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 the boundary. Following the said order, the following directions are issued:

(I) The petitioner is directed to submit his / her



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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.



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If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(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 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.

10. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

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



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N.MALA,J.

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