



W.P.(MD)No.26749 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.26749 of 2024

Maniammal

...Petitioner

/Vs./

The Tahsildar,
Pudukottai Taluk,
Pudukottai District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the respondent to survey and demarcate the boundaries of the petitioner's property situated in Survey No.35/5A, Arasathampatti Village, Thirumayam Taluk, Pudukottai District as per the provisions of the Tamil Nadu Survey and Boundaries Act, 1923 within the time that may be stipulated by this Court.

For Petitioner : Mr.M.Mahaboob Athief
For Respondent : Mr.R.Ragavendran
Government Advocate

ORDER

This Writ Petition is filed seeking issuance of Writ of Mandamus directing the respondent to survey and demarcate the boundaries of the petitioner's property situated in Survey No.35/5A, Arasathampatti Village, Thirumayam Taluk, Pudukottai District as per the provisions of



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the Tamil Nadu Survey and Boundaries Act, 1923 within the time that may be stipulated by this Court.

2. The petitioner filed an application to the respondent for survey of his land and demarcate the boundaries of his land in Survey No.35/5A, Arasathampatti Village, Thirumayam Taluk, Pudukottai District. As no action was taken by the respondent, the petitioner has filed the present Writ Petition for the aforesaid relief.

3. 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.

4. The learned counsel for the petitioner submits that in the application given to the Tahsildar, Thirumayam, Pudukottai Taluk, Pudukottai District, inadvertently in the cause title "Thirumayam" was not mentioned and the same may be inserted by this Court. The said statement is recorded.



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5.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 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



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(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.

(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



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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.

(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.

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

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Index : Yes / No
NCC : Yes / No
CM



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TO:

The Tahsildar,
Thirumayam,
Pudukottai Taluk,
Pudukottai District.



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N.MALA, J.

CM

Order made in
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Dated:
11.11.2024