



WP(MD)No.26802 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.26802 of 2024

Alagarsami

...Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The District Revenue Officer,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Thasildar,
Kalaiyarkovil,
Sivagangai District.

5.The Head Surveyor,
Kalaiyarkovil,
Kalaiyarkovil Taluk,
Sivagangai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus to direct the respondents 4 and 5 herein to conduct survey and fix boundaries of the petitioner's properties in Survey Nos.122/2A2, 122/2A6 situated at M.Vagaikulam, Sanaoorani Village, Kalaiyarkovil Taluk, Sivagangai District with aid of the jurisdictional police officer by considering the petitioner's representation dated 22.10.2024 within a time prescribed by this Court.



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For Petitioner : Mr.S.Muthu Malai Raja
For R1 to R5 : Mr.R.Ragavendran
Government Advocate

ORDER

This Writ Petition is filed for issuance of writ of mandamus to direct the respondents 4 and 5 herein to conduct survey and fix boundaries of the petitioner's properties in Survey Nos.122/2A2, 122/2A6 situated at M.Vagaikulam, Sanaoorani Village, Kalaiyarkovil Taluk, Sivagangai District with aid of the jurisdictional police officer by considering the petitioner's representation dated 22.10.2024 within a time prescribed by this Court.

2. The petitioner purchased the property in S.Nos.122/2A2, 122/2A6 situated at M.Vagaikulam, Sanaoorani Village, Kalaiyarkovil Taluk, Sivagangai District. The petitioner was issued patta in Patta No. 1470 for the subject property. The petitioner decided to survey the subject property. Therefore, he has submitted an application along with requisite fee on 29.08.2024 to conduct survey and to fix the boundaries of his property. As the respondents did not act on the application of the petitioner, the petitioner was constrained to file the present Writ Petition for the aforesaid relief.

3.By consent of both parties, this Writ Petition is taken up for final



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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.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



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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.

(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



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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.

(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. No costs.

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

11.11.2024

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



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To,

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N.MALA,J.

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