



W.P.(MD)No.26833 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.26833 of 2024

Panchavarnam

... Petitioner

Vs.

1.The Thasildar,
Nilakottai Taluk,
Dindigul District.

2.The Surveyor,
Nilakottai Taluk,
Dindigul District.

3.The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent no.1 and 2 herein to conduct survey and demarcate four boundaries in respect of the property comprised in Sur.Nos.237/33B and 237/7C2A1 situated at Oruthattu Village, Nilakottai Taluk, Dindigul District with the aid of the respondent no.3 and consequently direct the respondent no.1 and 2 to issue survey report within a stipulated time period in accordance with law on the basis of the application, dated 13.09.2024.



W.P.(MD)No.26833 of 2024

For Petitioner : Mr.G.Vishnuram
For R1 & R2 : Mr.R.Ragavendran
Government Advocate
For R3 : Mr.K.Gnanasekaran
Government Advocate(Crl.Side)

ORDER

This writ petition has been filed for a direction to the respondent no.1 and 2 herein to conduct survey and demarcate four boundaries in respect of the property comprised in Sur.Nos.237/33B and 237/7C2A1 situated at Oruthattu Village, Nilakottai Taluk, Dindigul District with the aid of the respondent no.3 and consequently direct the respondent no.1 and 2 to issue survey report within a stipulated time period in accordance with law on the basis of the application, dated 13.09.2024.

2. The petitioner is the owner of the property in Survey Nos.237/33B and 237/7C2A1 situated at Oruthattu Village, Nilakottai Taluk, Dindigul District and obtained patta in her name in Patta No.6502. The petitioner in order to know the exact measurement of the remaining portion of the land, submitted an application to the 1st respondent on 13.09.2024, along with necessary charges for conduct of survey and demarcation of boundary. As the respondents did not



W.P.(MD)No.26833 of 2024

take any steps on the petitioner's application, the petitioner was constrained to file the above writ petition.

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 having joint patta, co-



W.P.(MD)No.26833 of 2024

pattadars must give their consent for conducting survey.

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(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.

(VI) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. The same will



W.P.(MD)No.26833 of 2024

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.

(X) The survey authority will conclude the entire exercise one way or the other as per seniority of applications after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will be served on the parties.



W.P.(MD)No.26833 of 2024

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

12.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
gbg

To:

- 1.The Thasildar,
Nilakottai Taluk,
Dindigul District.
- 2.The Surveyor,
Nilakottai Taluk,
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- 3.The Inspector of Police,
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W.P.(MD)No.26833 of 2024

N.MALA, J.

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W.P.(MD)No.26833 of 2024

12.11.2024