



W.P.(MD)No.26801 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.26801 of 2024

Chinnappu

... Petitioner

Vs.

1.The Tahsildar,
Peravurani Taluk,
Thanjavur District.

2.The Surveyor,
Peravurani Taluk,
Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to conduct survey, measurement and mark the four boundaries as fixed by the competent authorities in S.Nos.204/4 and 205/6 to the extent of 0.13.5 hectares and 048.0 hectares respectively situated at Peravurani II-Bit Village, Peravurani Taluk, Thanjavur District by considering the petitioner's Application No. 2024/0123/21/002430, dated 26.06.2024 within the stipulated period as framed fixed by this Court.

For Petitioner : Mr.P.Balamurugan



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For Respondents : Mr.A.Kannan
Special Government Pleader

ORDER

The writ petition has been filed for a direction to the respondents to conduct survey, measurement and mark the four boundaries in S.Nos.204/4 and 205/6 to the extent of 0.13.5 hectares and 048.0 hectares respectively at Peravurani II-Bit Village, Peravurani Taluk, Thanjavur District by considering the petitioner's application, dated 26.06.2024.

2. The petitioner's wife, namely, Arockiya Mary was the owner of the property in S.No.205/6 to an extent of 50 cents (western side) out of 1.19 Acres at Peravurani II-Bit Village, Peravurani Taluk, Thanjavur District vide sale deed dated 12.12.1972. The petitioner purchased the remaining portion of 60 cents (Eastern side) out of 69 cents through registered sale deed, dated 12.01.1976. Thereafter, patta in Patta No.112, was issued to the petitioner's wife for S.No.205/6 to an extent of 0.48.00 hectares. The petitioner owned another property in S.No.204/4, to an extent of 0.13.5 hectares in the said Village and he was issued patta in Patta No.349. While so, the petitioner's wife died on 18.09.2017, leaving behind the petitioner and her son. The petitioner for the purpose of survey and fixing the four boundaries of his lands submitted an



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application on 26.06.2024, along with the necessary fees. Inspite of the petitioner's application, no steps were taken and therefore, the petitioner sent a representation to the first respondent on 16.10.2024, to conduct survey and fix the four boundaries. As no action was taken on the petitioner's representation, the petitioner filed the above writ petition for the aforesaid relief.

3. The learned Additional Government Pleader submitted that the Village Administrative Officer visited the subject property for survey on 24.10.2024, but the petitioner asserted that he would measure his lands with the help of his Advocate and therefore, the Village Administrative Officer after getting the signature of the petitioner, filed a report recommending the rejection of the petitioner's application for survey.

4. The learned counsel for the petitioner submitted that though the petitioner had signed in the Village Administrative Officer's report, due to old age he was not able to comprehend the contents of the report. He therefore submitted that a direction may be issued to the respondents to conduct survey as prayed for.

5. Heard both learned counsels and perused the materials on record.



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6. The petitioner was summoned to verify about his signature in the Village Administrative Officer's report. The petitioner is present and it is clear that because of his advanced age, he is not able to understand anything properly. Considering the advanced age of the petitioner, I am inclined to issue a direction to the respondents to conduct and mark the four boundaries of the petitioner's land.

7. 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.

8. 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



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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. 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



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immediately. If any interlocutory application is filed, it shall be disposed of on merits and in accordance with law within a period of six 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 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.

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

20.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

1.The Tahsildar,
Peravurani Taluk,
Thanjavur District.

2.The Surveyor,
Peravurani Taluk,
Thanjavur District.



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N.MALA, J.

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