



W.P.(MD)No.26867 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.26867 of 2024

M.Muthaiah

... Petitioner

Vs.

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Assistant Director of Survey,
Pudukkottai,
Pudukkottai District.

3.The Tahsildar,
Ponnamaravathy,
Pudukkottai District.

4.The Inspector of Police,
Ponnamaravathy,
Pudukkottai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to direct the 3rd respondent to survey and fix the boundary marks of the petitioner's land in Patta no.8622 in Survey No.462/4B and its extent of 0.25.00 ares of Varpattu Village,



W.P.(MD)No.26867 of 2024

Ponnamaravathy Taluk, Pudukkottai District based on his application, dated 05.06.2024.

For Petitioner : Mr.N.Palaniyandi
For R1 to R3 : Mr.A.Kannan
Additional Government Pleader
For R4 : Mr.K.Gnanasekaran
Government Advocate(Crl.Side)

ORDER

This writ petition has been filed for a direction to the 1st respondent to direct the 3rd respondent to survey and fix the boundary marks of the petitioner's land in Patta no.8622 in Survey No.462/4B and its extent of 0.25.00 ares of Varpattu Village, Ponnamaravathy Taluk, Pudukkottai District based on his application, dated 05.06.2024.

2. The petitioner and his family members were assigned punja lands in Survey No.462/4B to an extent of 0.25.00 ares, and some other lands, for a total extent of 2 acres, vide patta no.8622 of Varpattu Village, Ponnamaravathy Taluk, Pudukkottai District. Since then, the petitioner and his family members were in possession and enjoyment of the said property. As there was trouble from adjacent land owner, the petitioner's father approached the authorities and



W.P.(MD)No.26867 of 2024

the authorities surveyed the land and fixed the boundaries on 22.12.2014. As the adjacent land owner did not comply with the survey certificate, the petitioner lodged a complaint to the Sub Inspector of Police, Ponnamaravathy. After enquiring both the parties, the petitioner was advised to approach the concerned authorities for surveying lands and fixing the boundaries. The petitioner therefore filed an application before the 3rd respondent on 05.06.2024, and also remitted necessary fee for surveying and fixing the boundary marks of Survey No.462/4B. As the respondents did not take any steps on the petitioner's application, the petitioner submitted another representation to the 1st respondent on 14.10.2024 and even thereafter, no effective action was taken. Therefore, 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:



W.P.(MD)No.26867 of 2024

WEB COPY

(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 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



W.P.(MD)No.26867 of 2024

WEB COPY

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 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



W.P.(MD)No.26867 of 2024

WEB COPY

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 eight (8) 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.

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

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N.MALA, J.



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W.P.(MD)No.26867 of 2024

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W.P.(MD)No.26867 of 2024

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