



W.P.(MD)No.27075 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.11.2024

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.27075 of 2024

R.Shankar

... Petitioner

Vs.

- 1.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.
- 2.The Surveyor,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to survey and fix boundaries of his agriculture land to an extent of 1.22 acre situated in S.No. 245/1A (Patta No.6555) of Sammanthapuram Village, Rajapalayam Taluk, Virudhunagar District, as per the sale deed in Doc.No.2703/2021, dated 14.06.2021 on the file of Sub Registrar, Rajapalayam and based on his representation, dated 24.09.2024 submitted to the first respondent within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.M.Mohanasundaram

For Respondents : Mr.M.Muthumanikkam
Government Advocate

ORDER

This writ petition has been filed for a direction to the respondents to survey and fix boundaries of the petitioner's agriculture land to an extent of 1.22 acre in S.No.245/1A, Sammanthapuram Village, Rajapalayam Taluk, Virudhunagar District by considering his representation, dated 24.09.2024.

2. The petitioner as the owner of the aforesaid land obtained patta from the first respondent in Patta No.6555. The petitioner was in peaceful possession and enjoyment of the property. While so, the petitioner found that some of the boundaries of his lands were damaged. Therefore, the petitioner submitted a representation on 24.09.2024, to the first respondent along with necessary fees to conduct survey and fix the boundaries of his property. As the respondent did not take any steps on the petitioner's representation, the petitioner filed the writ petition for the aforesaid relief.



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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-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



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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 within a period of 12 weeks after service of notice on the interested persons.



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(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.

13.11.2024

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

To:

- 1.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.
- 2.The Surveyor,
Rajapalayam Taluk,
Rajapalayam,
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N.MALA, J.

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