



W.P.(MD)No.27238 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **15.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.27238 of 2024

Murugan

... Petitioner

Vs.

1.The Thasildar,
Taluk Office,
Eral, Eral Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Land Survey and Records,
Taluk Office,
Eral, Eral Taluk,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to survey and to fix four boundaries of the petitioner's land bearing Survey No. 1153/16, with an extent of 4967.2 sq. ft, situated at his village of Keelakallamparai, Thenthirupperai, Eral Taluk, Thoothukudi District.

For Petitioner : Mr.R.Murugappan

For Respondents : MrM.Muthumanikam

Government Advocate



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ORDER

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The petitioner has applied to the jurisdictional authority for conducting survey of the petition mentioned lands and for demarcation of the boundaries. Since the authority had not acted upon the petitioner's request, this writ petition came to be filed.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on both sides and carefully perused the entire materials available on record.

4. 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.

5. The Writ Petition is disposed of with the following directions:-

(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



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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 eight 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



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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 eight 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.

15.11.2024

NCC : Yes / No
Index : Yes / No
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TO:-

- 1.The Thasildar,
Taluk Office,
Eral, Eral Taluk,
Thoothukudi District.
- 2.The Taluk Surveyor,
Land Survey and Records,
Taluk Office,
Eral, Eral Taluk,
Thoothukudi District.



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L.VICTORIA GOWRI, J.

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Order made in
W.P.(MD)No.27238 of 2024

Dated
15.11.2024