



W.P.(MD) No.27326 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.27326 of 2024

Pappa @ Nagakanni

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Petitioner

-vs-

1.The District Collector,
Office of District Collector,
Theni District,
Theni.

2.The Tahsildar,
Uthamapalayam Taluka Office,
Uthamapalayam Taluka,
Theni District.

3.The Head Surveyor,
Uthamapalayam Taluka Office,
Uthamapalayam Taluka,
Theni District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 1st respondent to direct the respondents no.2 and 3 to survey the lands in Survey No.1616/2A an extent of 0-85.24 Hectares in Joint Patta No.1408, Survey No. 1589/6B an



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extent of 0-10.50 Hectares, Survey No.1590/2 an extent of 0-83.50 Hectares in Joint Patta no.1999 in Uthamapuram Village, Uthamapalayam Taluk, Theni District, based on the petitioner's Registered Sale Deeds Document No. 1881/1991 dated 27.06.1991, Document No.168/1992 dated 22.01.1992, Document No.2907/2007 dated 27.07.2007, Document No.2629/2010 dated 19.05.2010, and Document No.1677/2015 dated 21.04.2015, by considering his survey Fee Receipt, dated 12.09.2019, and E-Challan No. 20220714006691, 20220714006756, dated 14.07.2022, and grant individual patta in his name based on the communication of the 1st respondent sent to the 2nd respondent in O.Mu.No.45695/2015/T4, dated 25.02.2016.

For Petitioner : Mr.A.Haja Mohideen

For Respondents : Mr.A.Kannan,
Addl.Govt.Pleader.

ORDER

Petitioner is the owner of the properties in Uthamapuram Village, Uthamapalayam Taluk, Theni District, and she obtained joint patta in Survey Nos.1999 and 1408. For the purposes of availing agricultural loan from banks



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and society, the petitioner decided to obtain individual patta in her name. In this regard, she approached the respondents and also paid necessary charges on 12.09.2019, for survey of the subject lands. The petitioner also filed another application after Covid-19 on 14.07.2022, along with necessary survey charges for the survey of the subject lands. Since no action was taken by the respondents, the petitioner approached this Court for the aforesaid relief.

2. Learned counsel for the petitioner submitted that though larger relief has been claimed he would confine the relief in the writ petition to the survey of the lands alone.

3. In view of the submission made by the learned counsel for the petitioner and with the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

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 the 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



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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 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.



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(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.

(X) The survey authority will conclude the entire exercise one way or the other within a period of six 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 above directions, this Writ Petition is disposed of. No costs.

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NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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N.MALA, J.

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