



W.P.(MD) No.27444 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.27444 of 2024

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Petitioner

-vs-

1.The District Revenue Officer,
Karur District,
Karur - 639 007

2.The Revenue Divisional Officer,
Karur - 639 001.

3.The Tahsildar,
Karur Taluk,
Karur District.

4.The Taluk Surveyor,
Karur Taluk,
Karur.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 3 and 4 to survey the petitioner's land in T.S.No.31/6C2 in 2nd Block of Ward No. 3



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at Karur Town, Karur District, demarcate the property by fixing survey stones, consequently directing the 1st respondent to issue Town Survey Land Register and FMB for 5640 Sq. ft. instead of 3541 Sq. ft. upon the petitioner's representations, dated 13.08.2024, and 04.11.2024.

For Petitioner : Mr.V.Nagarajan

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

ORDER

Petitioner has filed this Writ Petition for issuance of a writ of mandamus, directing the respondents 3 and 4 to survey the petitioner's land in T.S.No.31/6C2 in 2nd Block of Ward No. 3 at Karur Town, Karur District, demarcate the property by fixing survey stones, and consequently directing the 1st respondent to issue Town Survey Land Register and FMB for 5640 Sq. ft. instead of 3541 Sq. ft. upon the petitioner's representations, dated 13.08.2024, and 04.11.2024.

2. The property in Town Survey No.31/6C2 in 2nd Block of Ward No.3 at Karur Town, Karur District, to an extent of 5640 sq.ft. originally belonged to petitioner's father-in-law, who settled the said property on



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17.09.1981 in favour of petitioner's husband - Nachimuthu. The petitioner's husband, in turn, executed a registered Will, dated 16.09.2009, in respect of the aforesaid property in favour of the petitioner. The petitioner's husband died on 16.01.2013. Though the petitioner is in possession and enjoyment of an extent of 5640 sq.ft. of land, in the Town Survey Land Register and FMB, the said extent was shown as 3541 sq.ft. only. To rectify the said mistake, the petitioner submitted a petition to the respondents on 13.08.2024. The petitioner also paid necessary charges for conducting survey and fixing of survey stones vide E-Challan, dated 28.10.2024. The petitioner also sent a reminder on 04.11.2024 to the respondents. Since no action was taken by the respondents, the petitioner filed the Writ Petition for the aforesaid relief.

3. Though a larger relief is prayed in the Writ Petition, learned counsel for the petitioner submitted that it would suffice if a direction is issued to the respondents 3 and 4 to survey the aforesaid land and demarcate the property by fixing the survey stones within a time frame to be fixed by this Court.

4. Considering the limited prayer of the learned counsel for the petitioner and also considering the fact that the application was submitted by the petitioner to the respondents along with E-Challan towards payment of fee, with the consent of both the parties, this Writ Petition is taken up for final



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disposal at the admission stage itself.

5. 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 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



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(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.

(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,



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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 twelve 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.

6. With the above directions, this Writ Petition is disposed of. No costs.

18.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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N.MALA, J.

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