



W.P.(MD) No.27397 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.27397 of 2024

Vadivel

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Petitioner

-vs-

1.The Tahsildar,
Melur Taluk,
Madurai District.

2.The Head Surveyor,
Melur Taluk,
Madurai District.

3.The Inspector of Police,
Kottampatti Police Station,
Melur Taluk,
Madurai District.

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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 and 2nd respondents to survey the petitioner's land in Survey No.238/7 to an extent of 25 cents situated in Karungalakudi Village, Melur Taluk, Madurai District, and to fix its boundaries as per revenue records by obtaining adequate police



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protection from the 3rd respondent police by considering the petitioner's online application, dated 29.07.2024.

For Petitioner : Mr.V.G.Chezhiyan

For Respondents 1 & 2 : Mr.A.Kannan,
Addl.Govt.Pleader.

For Respondent 3 : Mr.K.Gnanasekaran,
Govt. Advocate (Crl.Side)

ORDER

Petitioner has filed this Writ Petition for issuance of a writ of mandamus, directing the 1st and 2nd respondents to survey the petitioner's land in Survey No.238/7 to an extent of 25 cents situated in Karungalakudi Village, Melur Taluk, Madurai District, and to fix its boundaries as per revenue records by obtaining adequate police protection from the 3rd respondent police by considering the petitioner's online application, dated 29.07.2024.

2. The property in Survey No.238/7 to an extent of 25 cents situated at Karungalakudi Village, Melur Taluk, Madurai District, was the ancestral property of the petitioner. The petitioner's father – Veerapandi was



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WEB COPY issued with a joint patta No.2576 along with others. With regard to the above patta, the petitioner made an application to the respondents 1 and 2 along with a challan for payment of charges on 29.07.2024 to survey and fix the boundaries in respect of the above said property. Since no action has been taken by the respondents, the petitioner has approached this Court for the aforesaid relief.

3. 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.



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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.

(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.



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(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 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.

4. 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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