



WP(MD)No.27522 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.27522 of 2024

Chellammal

...Petitioner

Vs.

1.The Thasildar,
Tenkasi Taluk,
Tenkasi District.

2.The Head Surveyor,
Tenkasi Taluk,
Tenkasi District.

3.Shanmugavel

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents 1 and 2 to consider and pass orders on application dated 03.06.2022 for carrying out measurement in respect of survey No.379A/4 in patta No.277 at Ravanamuthiram Village, Tenkasi Taluk, Tenkasi District within the time stipulated by this Court.

For Petitioner : Mr.M.Perumal

For R1 & R2 : Mr.A.Kannan

Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 and 2 to consider and pass orders on application dated 03.06.2022 for carrying out measurement in respect of



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survey No.379A/4 in patta No.277 at Ravanasamuthiram Village, Tenkasi Taluk, Tenkasi District within the time stipulated by this Court.

2. The petitioner's husband settled the subject property through settlement deed in document No.1423 of 2022 dated 15.03.2022 in favour of the petitioner. The petitioner was enjoying the said property without any hindrance. While so, the petitioner made an application before the first respondent along with necessary charges requesting him to survey the land in Survey No.379A/4 in patta No.277, at Ravanasamuthiram Village, Tenkasi Taluk, Tenkasi District and fix the boundaries. On 16.06.2022, the Surveyor conducted survey of the lands and because of the objection by the third respondent, survey could not be completed. The petitioner therefore, has filed the above Writ Petition for the aforesaid relief.

3. The learned Additional Government pleader submits that even as per the averments made in the Writ Petition, the petitioner admitted that when the Surveyor attempted to survey the land on 16.06.2022 at 12.00 p.m because of the obstruction of the third respondent, the Surveyor was not able to conduct survey.



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4. The learned Additional Government Pleader further submitted that in view of earlier survey conducted by the Surveyor, the application was closed and therefore, the petitioner should be directed to pay necessary charges afresh for conducting the survey.

5. The learned counsel for the petitioner would submit that the petitioner would pay the necessary fees for the survey and therefore, a direction may be issued to conduct the survey within a reasonable time and pass orders in accordance with law.

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

7. 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



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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 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



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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, 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



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exercise one way or the other within a period of six weeks

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(XI) A copy of the survey report along with sketch will
be served on the parties.

8. With the aforesaid directions, the Writ Petition stands disposed
of. No costs.

19.11.2024

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

To,
1.The Thasildar,
Tenkasi Taluk,
Tenkasi District.

2.The Head Surveyor,
Tenkasi Taluk,
Tenkasi District.



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N.MALA,J.

CM

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