



W.P.(MD) No.20852 of 2017

WEB COP BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.04.2024

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.(MD) No.20852 of 2017

M.M.Jafarullah
Rep. by Power Agent
Mohammed Ali

... Petitioner

Vs.

The Tahsildar,
Aranthangi Town & Taluk,
Pudukottai District.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the respondent to measure the subject properties in Survey No.184/5B with an extent of 29 cents and Survey No.184/4A with an extent of 50 cents totaling 79 cents at No.36, Pallathivayal Group, Vigneswarapuram Village, Aranthangi Taluk, Pudukottai District, within a reasonable time fixed by this Court.

For Petitioner : Mr.N.Balakrishnan

For Respondent : Mr.S.P.Maharajan
Special Government Pleader

For Complainant
(***R.Kanimozhi** : Mr.P.Banu Prasath



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ORDER

The petitioner has filed this Writ Petition for issuance of a Writ of Mandamus directing the respondent to measure the subject properties in Survey No.184/5B measuring to an extent of 29 cents and in Survey No.184/4A measuring to an extent of 50 cents [29 + 50 = 79 cents] at No.36, Pallathivayal Group, Vigneswarapuram Village, Aranthangi Taluk, Pudukottai District, within a reasonable time fixed by this Court.

2. Mr.N.Balakrishnan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader for the respondent are present. Mr.P.Banu Prasad, learned counsel, also appears for a third party namely, one (*)**R.Kanimozhi** who is the complainant.

3. The learned Special Government Pleader for respondent would submit that he has received instructions from the Tahsildar, Aranthangi Town and Taluk that the measurement will be carried out in presence of the petitioner and the complainant (*)**R.Kanimozhi** who is represented by his counsel.



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4. Recording the above submission of the learned Special Government Pleader for the respondent, this Writ Petition is disposed of, without expressing any opinion on merits, by directing the respondent to measure the subject properties in Survey No.184/5B said to be measuring an extent of 29 cents and Survey No.184/4A measuring an extent of 50 cents [29 + 50 = 79 cents] at No.36, Pallathivayal Group, Vigneswarapuram Village, Aranthangi Taluk, Pudukottai District, following the guidelines issued by this Court in the case of ***G.Karthik Vs. The Tahsildar, Melur Circle, Madurai District and another*** in W.P.(MD) No.15945 of 2023, dated 21.12.2023, within a period of 6 weeks from the date of receipt of a copy of this order. For a proper measurement, the guidelines are reproduced below:

(I) The survey authority will scrutinize if the application submitted by the petitioner is in order.

(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 given 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.



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(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.

(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.



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(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. No person shall put up fencing at the time of survey by using police aid.*

(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.*

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

5. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(P&A)

(*)Corrected as per the order of this Court dated 14/06/2024 made in W.P.(MD) No. 20852 of 2017

Sd/-

Assistant Registrar(P&A)

// True Copy //

/07/2024

Sub Assistant Registrar
(CS - I/ II / III / IV)

JEN

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(*)To be Substituted to the Order already despatched on 31/05/2024

The Tahsildar,
Aranthangi Town & Taluk,
Pudukottai District.

+1 CC to M/s.P.BANU PRASATH, Advocate (SR-17471[F] dated 01/04/2024)

+1 CC to M/s.N.BALAKRISHNAN, Advocate (SR-17472[F] dated 01/04/2024)

+1 CC to M/s.SPL.GP (SR-17758[F] dated 02/04/2024)

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RE (08.05.2024) 6P/5C

RD(15/07/2024) 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.