



W.P.(MD)No.27651 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.11.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.27651 of 2024

T.Bathariya Begam

...Petitioner

/Vs./

1.The District Collector,
Tenkasi District.

2.The Tahsildar,
Tenkasi,
Tenkasi District.

3.The Firka Surveyor,
Tenkasi Taluk,
Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to survey the petitioner's property situated in Survey No.193, Sub Division 2B2, measuring to an extent of 0.41.3 hectares / ares at Kunramanallur Village, Tenkasi District in pursuance to the payment that has been made vide Application No. 2024/ 0123/34/ 001685 dated 18.06.2024 as expeditiously as possible within the time stipulation as prescribed by this Court.



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For Petitioner : Mr.R.Anand

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of Writ of Mandamus, to direct the respondents 2 and 3 to survey the petitioner's property situated in Survey No.193, Sub Division 2B2, measuring to an extent of 0.41.3 hectares / ares at Kunramanallur Village, Tenkasi District.

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

3. The petitioner acquired the property in Survey No.193, Sub Division 2B2, measuring to an extent of 0.41.3 hectares / ares at Kunramanallur Village, Tenkasi District under the settlement deed dated 14.07.2023. The petitioner wanted to fix the boundaries of her property and therefore, she filed an online application to conduct survey and demarcate the boundaries on 18.06.2024, by paying the requisite fee. Since there was no action taken, the petitioner gave a representation on



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21.10.2024 and even thereafter, no action was taken. The petitioner has therefore, filed the writ petition for the aforesaid relief.

4. The learned counsel appearing for the petitioner, on instructions submitted that earlier whatsapp message was sent to the petitioner intimating the date of survey. As reasonable time was not given in the whatsapp message, the respondents decided to conduct survey on 02.12.2024.

4. In view of the submission made by the learned counsel appearing for the petitioner, 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



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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.

(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.



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(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 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. No costs.



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

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Index : Yes / No
NCC : Yes / No
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N.MALA, J.

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Order made in
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Dated:
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