



WP(MD)No.27525 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.27525 of 2024

K.Alagar

...Petitioner

Vs.

1.The Thasildar,
Theni Taluk,
Theni District.

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

3.The Sub Inspector of Police,
Veerapandi Police Station,
Theni Taluk,
Theni District.

4.Theivendran

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the 1st and 2nd respondents to survey the petitioner's land in Survey No.158/2C2 to an extent of 0.86 Ares situated at Poomala Gundu Village, Theni Taluk, Theni District and to fix its boundaries as per revenue records by obtaining adequate police protection from the third respondent police by considering the petitioner's online application dated 29.08.2024 within the period that may be stipulated by this Court.

For Petitioner	: Mr.R.Suriya Narayanan
For R1 & R2	: Mr.M.Muthumanikkam Government Advocate (Civil side)
For R3	: Mr.K.Gnanasekaran Government advocate (Crl.side)



WP(MD)No.27525 of 2024

ORDER

WEB COPY

This Writ Petition is filed for issuance of writ of mandamus directing the 1st and 2nd respondents to survey the petitioner's land in Survey No.158/2C2 to an extent of 0.86 Ares situated at Poomala Gundu Village, Theni Taluk, Theni District and to fix its boundaries as per revenue records by obtaining adequate police protection from the third respondent police by considering the petitioner's online application dated 29.08.2024 within the period that may be stipulated by this Court.

2. The petitioner purchaed the property in S.Nos.158/2A, 2C1 and 2C2 situated at Poomala Gundu Village, Theni Taluk, Theni District, to an extent of 4 acres and 3 cents from one Suriliammal under a registered sale deed dated 05.04.2023. After purchase, the fourth respondent and his associates, who are the branches of Surulivel Gounder, created trouble. When the survey was conducted by the second respondent in respect of 158/2C2, because of the objection of the fourth respondent, the second respondent kept the petitioner's application pending without any progress and therefore, the petitioner was constrained to approach this Court for the aforesaid relief.



WP(MD)No.27525 of 2024

3. It is seen that on 29.08.2024, the petitioner filed an application along with necessary charges for survey of his land and because of the objection of the fourth respondent, the second respondent did not take further action.

4. 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.

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.



WP(MD)No.27525 of 2024

WEB COPY

(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 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



WP(MD)No.27525 of 2024

WEB COPY

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 exercise one way or the other as per seniority of applications after service of notice on the interested persons.

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



WP(MD)No.27525 of 2024

6. 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,
Theni Taluk,
Theni District.

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

3.The Sub Inspector of Police,
Veerapandi Police Station,
Theni Taluk,
Theni District.



WEB COPY



WP(MD)No.27525 of 2024

N.MALA,J.

CM

W.P(MD)No.27525 of 2024

19.11.2024