



WP(MD). No.27644 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 13/12/2024

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP(MD). No.27644 of 2024

Saravanan

... Petitioner

Vs.

**1. The Tahsildar,
Aathur Taluk,
Dindigul District.**

**2. The Head Surveyor,
Aathur Taluk,
Dindigul District.**

**3. The Inspector of Police,
Ambathurai Police Station,
Dindigul District..**

... Respondents

PRAYER :Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to survey the petitioners land in Survey No. 219/3A1A1A to an extend of 26 cents respectively situated at Keelakkottai Village, Aathur Taluk, Dindigul District and to fix its boundaries as per revenue records by obtaining adequate police protection from the 3rd respondent police and consequently subdivided the above said property and issue separate patta only for the 26 cents out of 81.55 cents in petitioner father name within the period that may be stipulated by this Court.



WP(MD). No.27644 of 2024

For Petitioner : Mr.G.Chezhiyan
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader
For R3 : Mr.K.Gnana Sekaran
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 and 2 to survey the petitioner's land in Survey No. 219/3A1A1A to an extent of 26 cents in Keelakkottai Village, Aathur Taluk, Dindigul District and to fix its boundaries as per revenue records by obtaining adequate police protection from the third respondent police and consequently subdivide the above said property and issue separate patta only for the 26 cents out of 81.55 cents in petitioner's father's name within the period to be fixed by this Court.

2. The property in Survey No.219/3A1A1A, to an extent of 1 acre 27 cents in Keelakkottai Village, Aathur Taluk, Dindigul District originally belonged to the petitioner's father namely, Pattaiya Gounder. He died on 03.10.1989. Thereafter, the property devolved on the petitioner and his siblings. The petitioner and his siblings executed a power deed with reference to the said property to an extent of 1 acre 01 cent in favour of one Pommaiya vide a Doc.No.47/1997 dated 2/8



WP(MD). No.27644 of 2024

04.09.1997. Thereafter, the petitioner continued to be in possession and enjoyment of the remaining extent of 26 cents without any let or hindrance. While so, the petitioner made an application on 20.08.2024 to the respondent 1 and 2 for survey and to fix the boundaries in respect of the property in S.No.219/3A1A1A to an extent of 26 cents and also paid necessary fee on 20.08.2024 for survey. The petitioner also submitted a representation on the same day to conduct survey and fix the boundaries. When the matter was taken up for hearing on 20.11.2024, the learned counsel for the petitioner sought time. When the matter was again listed on 11.12.2024, the Registry was directed to list the matter today. The learned counsel for the petitioner submits that in the interregnum, the petitioner submitted a representation on 20.11.2024 to the first respondent for survey and for fixing the boundaries of his lands.

3. Though the petitioner has given a representation for survey, subdivision and for grant of patta, unless and until survey is granted, subdivision and issuance of patta cannot be done. By consent of both parties the writ petition is disposed at admission stage. The following directions are issued only for survey:



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WP(MD). No.27644 of 2024

(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.

(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



WP(MD). No.27644 of 2024

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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.

(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



WP(MD). No.27644 of 2024

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

13.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Cm



WP(MD). No.27644 of 2024

TO,

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Dindigul District..
2. The Head Surveyor,
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Dindigul District..
3. The Inspector of Police,
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WP(MD). No.27644 of 2024

N.MALA,J

CM

**ORDER
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