



W.P.(MD)No.27667 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.27667 of 2024

Sakthivel

...Petitioner

/Vs./

1.The Tahsildar,
Karur Taluk,
Karur District.

2.The Firka Surveyor,
Karur Taluka,
Karur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to survey and fix boundaries of land to an extent of 1.47 hectares situated in Survey No. 12/7 and 15 feet's of pathway in 12/5 at Puthambur Village, Karur Taluk, Karur District as per the Patta No.884, on the file of the 1st respondent, Karur Taluk, Karur District and based on petitioner's representation and fee remittance receipt Number 20240503020271 dated 03.05.2024 to the 1st respondent and thereby directing the 2nd respondent to survey the land within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.A.S.Vaigunth

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This Writ Petition is filed seeking issuance of Writ of Mandamus, to direct the respondents to survey and fix boundaries of land to an extent of 1.47 hectares situated in Survey No.12/7 and 12/5 at Puthambur Village, Karur Taluk, Karur District as per the Patta No.884.

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

3. The petitioner stated that the property in S.No.12/5 and 12/7 at Puthambur Village, Karur Taluk, Karur District belongs to him. While so, one Ramayee filed a suit in O.S.No.269 of 2012 for permanent injunction against the petitioner and the said suit was allowed in favour of the petitioner on 23.12.2016. Thereafter, Ramayee preferred an appeal in A.S.No.16 of 2017 before the Additional Sub Court, Karur and the said appeal was dismissed confirming the judgment passed by the District



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Munsif Court, Karur. On the basis of the judgment of the District Munsif Court, Karur passed in O.S.No.269 of 2012, the petitioner was granted patta in Patta No.884. The petitioner found that there was a discrepancy in the extent of the property in patta. Therefore, the petitioner approached the respondents to conduct survey and fix boundaries of the said property. The petitioner submitted his representation along with necessary fees for conducting survey and demarcation of boundaries. The respondents did not act on the petitioner's representation. The petitioner has therefore filed the writ petition for the aforesaid relief.

4. The learned Additional Government Pleader appearing for the respondents on instructions, submitted that S.No.12/5 at Puthambur Village, Karur Taluk, Karur District is a pathway and therefore, survey cannot be conducted for the aforesaid survey number.

5. The learned counsel appearing for the petitioner, in view of the submission made by the learned Additional Government Pleader appearing for the respondents, submitted that the petitioner would restrict his prayer only to S.No.12/7.



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6. I have considered the rival submissions of the learned counsel on either side.

7. There is no issue for conducting survey in S.No.12/7 at Puthambur Village, Karur Taluk, Karur District and hence, the following directions are issued to the respondents to conduct survey for the petitioner's land in S.No.12/7 at Puthambur Village, Karur Taluk, Karur District.

8. 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.

9. 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



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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 survey will be conducted only after a period of six weeks so



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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 from any private party, fencing can be put up only after the



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(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.

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

20.11.2024

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

Sm

TO:

1.The Tahsildar,
Karur Taluk,
Karur District.

2.The Firka Surveyor,
Karur Taluka,
Karur District.

Order made in
W.P.(MD)No.27667 of 2024

Dated:
20.11.2024