



WP(MD)No.27638 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.11.2024**

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.27638 of 2024

Ravindran

...Petitioner

Vs.

1. The Thasildar,
Killiyoor Taluk,
Kanyakumari District.

2.The Head Surveyor,
Killioor Taluk,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents herein to measure the property by fixing metes and bounds by lying survey stones in Desiya Seva Sangam property in Sy.No.332/1A 1A1 which extent about 0.75 cents at Medhukummal Village, Killiyoor Taluk, Kanyakumari District vide petitioner's application dated 11.03.2022.

For Petitioner : Mr.D.Saravanan

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents herein to measure the property by fixing metes and bounds by lying survey stones in Desiya Seva Sangam property in Sy.No.332/1A 1A1 which extent about 0.75 cents at Medhukummal



WP(MD)No.27638 of 2024

Village, Killiyoor Taluk, Kanyakumari District vide petitioner's application dated 11.03.2022.

2. The petitioner filed this Writ Petition on behalf of one Desiya Seva Sangam. One Sowthaminiammal gifted the property in S.No. 332/1A 1A1 to an extent of 0.75 cents under a registered gift deed dated 24.01.1996, to the said Sangam. After execution of the gift deed, mutations were made in revenue records and patta also stood in the name of the said sangam vide Patta No.1451. To identify the property and to lay the survey stones, the petitioner made an application on 11.03.2022 and paid necessary charges for measuring, laying stones and for fixing the boundaries. Since no action was taken on his application, the petitioner approached the respondents periodically to survey the property of the said sangam. Even thereafter, no action was taken. Hence, the petitioner filed the above Writ Petition for the aforesaid relief.

3. 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.



WP(MD)No.27638 of 2024

4.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.

(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.



WP(MD)No.27638 of 2024

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(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.

(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



WP(MD)No.27638 of 2024

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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 after service of notice on the interested persons, since the petitioner has not given any representation.

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

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

25.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To,

1. The Thasildar,
Killiyoor Taluk,
Kanyakumari District.

2. The Head Surveyor,
Killioor Taluk,
Kanyakumari District.



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WP(MD)No.27638 of 2024

N.MALA,J.

CM

W.P(MD)No.27638 of 2024

25.11.2024