



WP(MD)No.27932 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.27932 of 2024

1.Pakutharivalan

2.Manimegalai

...Petitioners

Vs.

1. The Thasildar,
Aranthangi Taluk,
Pudukottai District.

2.The Head Surveyor,
Aranthangi Taluk,
Pudukottai District

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents to subdivide the land measuring to an extent of 40 cents comprised in Survey No. 214/3A situated at Merpanaikadu Village, Aranthangi Taluk, Pudukottai District and also carry out survey, measurement and demarcation of boundaries of the property by considering the application dated 01.08.2024 and 08.11.2024 respectively.

For Petitioner : Mr.T.Leninkumar

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents to subdivide the land measuring to an extent of



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40 cents comprised in Survey No.214/3A situated at Merpanaikadu Village, Aranthangi Taluk, Pudukottai District and also carry out survey, measurement and demarcation of boundaries of the property by considering the applications dated 01.08.2024 and 08.11.2024 respectively.

2. The petitioners states that they are the absolute owners of the property measuring an extent of 40 cents in Survey No.214/3A in Merpanaikadu Village, Aranthangi Taluk, Pudukottai District. The first petitioner purchased 13 cents of the subject land on 25.05.2005 and ever since the date of purchase, the first petitioner was in possession and enjoyment of the same. The second petitioner's father Singaravel purchased 27 cents in the subject land under a sale deed registered as Doc.No.707/86 on 29.06.2018 and the second petitioner's father died leaving behind the second petitioner and her sister as legal heirs of the deceased father and they owned the property without any hindrance. While so, the first petitioner approached the first respondent on 01.08.2024 for survey and demarcation of the boundaries of the property. The first petitioner also paid necessary charges for the same. The second petitioner also filed an application on 08.11.2024 and paid necessary



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charges for survey. Since no action was taken on the petitioners' applications, the petitioners have 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 petitioners.

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 petitioners are directed to submit their applications in on-line mode. The survey authority will scrutinize if the application submitted by the petitioners are in order. Patta need not be in the name of the applicants. If patta is in the name of the vendor and mutation has not been effected, still the applications can be considered.

(II) The petitioners will have to enclose all the relevant



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documents such as patta. The applicant must have individual patta in their names. If they are 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 petitioners want 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.

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



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5. With the aforesaid directions, the Writ Petition stands disposed

of. No costs.

22.11.2024

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

To,
1. The Thasildar,
Aranthangi Taluk,
Pudukottai District.

2.The Head Surveyor,
Aranthangi Taluk,
Pudukottai District



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N.MALA,J.

CM

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