



W.P.(MD)No.28097 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.12.2024**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.28097 of 2024

Anbukkarasi

...Petitioner

/Vs./

1. The Thasildar,
Tiruvengadam Taluk,
Tenkasi District.
2. The Land Surveyor,
O/o.The Tahsildar,
Tiruvengadam Taluk,
Tenkasi District.
3. The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.
4. Jawahar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st and 2nd respondents to conduct survey of the punja land property comprised in Survey Number 852/1 and 852/2 admeasuring 3 Acres 28 cents and 18 cents respectively situate



W.P.(MD)No.28097 of 2024

at Chavelkulam Village Kuruvikulam Post, Tiruvengadam Taluk, Tenkasi District for fixing correct boundaries and further direct the 3rd respondent to provide police protection while surveying the lands based on the petitioner's representation dated 12.11.2024.

For Petitioner : Mr.K.Anand

For Respondents : Mr.A.Kannan (R1 & R2)

Additional Government Pleader

Mr.K.Gnanasekaran (R3)

Government Advocate

ORDER

This writ petition has been filed seeking for a direction to the 1st and 2nd respondents to conduct survey of the punja land comprised in Survey Nos. 852/1 and 852/2, admeasuring 3 Acres 28 cents and 18 cents respectively, situated at Chavelkulam Village Kuruvikulam Post, Tiruvengadam Taluk, Tenkasi District, for fixing correct boundaries and also seeking for a direction to the 3rd respondent to provide police protection while surveying the lands, based on the petitioner's representation dated 12.11.2024.



W.P.(MD)No.28097 of 2024

WEB COPY

2. Heard the learned counsel on either side and perused the materials placed before this Court.

3. The petitioner and her husband purchased the subject property under the sale deed dated 23.11.1994, and they were issued patta in Patta No.83. While so, there was a boundary dispute between the petitioner and the adjacent owners and therefore, the petitioner submitted an application on 31.07.2024 to the second respondent along with requisite fee, to survey and demarcate the boundaries of her land and also to rectify the defects in the boundaries. Since there was no action on the petitioner's application, she submitted a presentation on 12.11.2024 to the respondents. Even thereafter, no action was taken. The petitioner therefore filed the above writ petition for the aforesaid relief.

4. 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.



W.P.(MD)No.28097 of 2024

WEB COPY

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.

(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



W.P.(MD)No.28097 of 2024

WEB COPY 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.

(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



W.P.(MD)No.28097 of 2024

WEB COPY

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 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.

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

10.12.2024

Index : Yes / No
NCC : Yes / No
Sm



W.P.(MD)No.28097 of 2024

WEB COPY

TO:

1. The Thasildar,
Tiruvengadam Taluk,
Tenkasi District.
2. The Land Surveyor,
O/o.The Tahsildar,
Tiruvengadam Taluk,
Tenkasi District.
3. The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.



WEB COPY



W.P.(MD)No.28097 of 2024

N.MALA, J.

Sm

Order made in
W.P.(MD)No.28097 of 2024

Dated:
10.12.2024