



W.P.(MD)No.28049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.28049 of 2024

M.Thirumakkal

... Petitioner

Vs.

1.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

2.The Taluk Surveyor,
Vedasandur Taluk,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to survey the petitioner's land in S.No.806/2A3 to an extent of 8.99 cents at Baganatham Village, Vedasandur Taluk, Dindigul District within the time frame fixed by this Court.

For Petitioner : Mr.C.Prithviraj

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

The writ petition is filed for a direction to the respondents to survey the petitioner's land in S.No.806/2A3 to an extent of 8.99 cents at Baganatham Village, Vendasandur Taluk, Dindigul District.

2. The petitioner acquired the property in S.No.806/2A3 to an extent of 8.99 cents at Baganatham Village, Vendasandur Taluk, Dindigul District under registered sale deed, dated 26.09.2023 vide Document No.5332 of 2023. In order to fence the aforesaid property, the petitioner submitted an application to the first respondent on 18.10.2024, and also paid necessary charges for the same. As no action was taken on the petitioner's application, 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.



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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.

(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 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,



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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 did not give any written representation to the respondents.

(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
SN



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To:

- 1.The Tahsildar,
Vedasandur Taluk,
Dindigul District.
- 2.The Taluk Surveyor,
Vedasandur Taluk,
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N.MALA, J.

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