



WP(MD)No.28003 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.28003 of 2024

M.Valarmathi

...Petitioner

Vs.

1.The Tahsildar,
Thiruvaiyaru Taluk Office,
Thiruvaiyaru Taluk,
Thanjavur District.

2.The Head Surveyor,
Thiruvaiyaru Taluk Office,
Thiruvaiyaru Taluk,
Thanjavur District.

3.The Inspector of Police,
Nadukaveri Police Station,
Nadukaveri, Kandiyur Vali,
Thiruvaiyaru,
Thanjavur District.

4.V.Pari

5.K.Punniyamoorthi

6.Sambath

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus to direct the first respondent to direct the second respondent to survey the land in Survey No.311/18 to an extent of 0.36 arce in Rajenthiram Village, Thiruvaiyaru Taluk, Thanjavur District along with necessary police protection by the third respondent by considering the petitioner's survey petition No. 2024/0123/21/005123 dated 16.10.2024 and his representation dated 27.10.2024 given to the third respondent and for other such reliefs within the period stipulated by this Court.



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For Petitioner : Mr.A.Haja Mohideen
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader
For R3 : Mr.K.Gnana Sekaran

ORDER

This Writ Petition is filed for issuance of writ of mandamus to direct the first respondent to direct the second respondent to survey the land in Survey No.311/18 to an extent of 0.36 arce in Rajenthiram Village, Thiruvaiyaru Taluk, Thanjavur District along with necessary police protection by the third respondent by considering the petitioner's survey petition No.2024/0123/21/005123 dated 16.10.2024 and his representation dated 27.10.2024 given to the third respondent and for other such reliefs within the period stipulated by this Court.

2. The petitioner acquired the land in S.No.311/18 to an extent of 0.36 arce in Rajenthiram Arcade Village, Thiruvaiyaru Taluk, Thanjavur District under a sale deed Doc.No.3451/2008 dated 03.11.2008 from her husband. The petitioner was granted patta in Patta No.1402 for the subject property. As there was trouble to her peaceful possession and enjoyment of the subject property, the petitioner gave a petition on 16.10.2024 along with necessary fees for survey of the petitioner. As the



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petitioner's application had not been considered, the petitioner sent a representation on 27.10.2024. Even thereafter, no action was taken.

Hence, the petitioner filed the above Writ Petition for the aforesaid prayer.

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.

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.



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(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



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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 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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WEB COPY 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 Tahsildar,
Thiruvaiyaru Taluk Office,
Thiruvaiyaru Taluk,
Thanjavur District.

2.The Head Surveyor,
Thiruvaiyaru Taluk Office,
Thiruvaiyaru Taluk,
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N.MALA,J.

CM

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