



WP(MD)No.27979 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.27979 of 2024

P.Marimuthu

...Petitioner

Vs.

1.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

2.The Surveyor,
Nilakottai Taluk,
Dindigul District.

3.The Inspector of Police,
Ammaiyanaickanur Police Station,
Dindigul District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus to direct the respondents 1 and 2 herein to conduct survey and demarcate four boundaries in respect of the property comprised in S.No.724/3 and 724/4B2 situated at Oruthattu Village, Nilakottai Taluk, Dindigul District with the aid of the respondent No.3 and consequently direct the respondents 1 and 2 to issue survey report within a stipulated time period in accordance with law on the basis of the application dated 23.07.2024.

For Petitioner	: Mr.G.Vishnuram
For R3	: Mr.K.Gnana Sekaran Government Advocate (Crl.side)
For R1 & R2	: Mr.M.Muthumanikkam Government Advocate Civil side



WP(MD)No.27979 of 2024

WEB COPY

ORDER

This Writ Petition is filed for issuance of writ of mandamus to direct the respondents 1 and 2 herein to conduct survey and demarcate four boundaries in respect of the property comprised in S.No.724/3 and 724/4B2 situated at Oruthattu Village, Nilakottai Taluk, Dindigul District with the aid of the respondent No.3 and consequently direct the respondents 1 and 2 to issue survey report within a stipulated time period in accordance with law on the basis of the application dated 23.07.2024.

2. The petitioner purchased the property in Survey Nos.724/3 and 724/4B2 in Oruthattu Village, Nilakottai Taluk, Dindigul District, under registered sale deed dated 25.10.2011 vide Doc.No.4217 of 2011. Ever since the date of purchase, the petitioner was in possession and enjoyment of the property. In order to ascertain the exact measurement of the remaining portion of the land, the petitioner filed an application on 23.07.2024 to the first respondent for survey and he paid necessary charges for the same. Since the respondents 1 and 2 did not take action on the petitioner's application, the petitioner approached the respondents 1 and 2 in person on 10.10.2024 and he was advised to get orders from



WP(MD)No.27979 of 2024

this Court. Therefore, 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.

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



WP(MD)No.27979 of 2024

WEB COPY

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



WP(MD)No.27979 of 2024

WEB COPY

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, since the petitioner did not give any written representation to the respondents 1 and 2.

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



WP(MD)No.27979 of 2024

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,
Nilakottai Taluk,
Dindigul District.

2.The Surveyor,
Nilakottai Taluk,
Dindigul District.

3.The Inspector of Police,
Ammayanaickanur Police Station,
Dindigul District.



WEB COPY



WP(MD)No.27979 of 2024

N.MALA,J.

CM

W.P(MD)No.27979 of 2024

25.11.2024