



W.P.(MD) No.28143 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.28143 of 2024

T.Jothiyammal ... Petitioner

-VS-

1.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to survey the lands comprised in Survey No.12/2C having an extent of 0.57.00 hectares at Viralipatti Village, Nilakottai Taluk, Dindigul District.

For Petitioner : Mr.C.Prithviraj

For Respondents : Mr.A.Kannan,
Addl.Govt.Pleader.



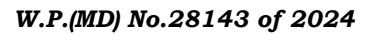
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ORDER

The petitioner has filed this Writ Petition for issuance of a writ of mandamus, directing the respondents to survey the lands comprised in Survey No.12/2C, having an extent of 0.57.00 hectares at Viralipatti Village, Nilakottai Taluk, Dindigul District.

2. The petitioner was allotted land in Survey No.12/C2 to an extent of 0.57.00 hectares at Viralipatti Village, Nilakottai Taluk, Dindigul District, as a free assignment land under free house site for Poor Agriculture Persons Scheme, 2005. The petitioner was issued with patta in her name in Patta No.3304. As some unknown persons trespassed into her property, the petitioner made a representation to the first respondent on 05.12.2018 to survey and demarcate her land and she also paid necessary fees for the same. However, no action was taken on the said representation. Therefore, the petitioner made a representation to the Revenue Divisional Officer, Dindigul, on 11.12.2023, for conducting survey of the petitioner's land. Based on the petitioner's representation, the Revenue Divisional Officer, through his proceedings, dated 04.04.2024, directed the first respondent to conduct survey of the petitioner's land. In spite of the said direction, the respondents



3. With the consent of the learned counsel on both sides, this Writ Petition is taken up for final disposal at the admission stage itself. If any person is aggrieved by this order, it is open for him/her 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.

(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



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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 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.



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5. With the above directions, this Writ Petition is disposed of. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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

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