



W.P.(MD)No.28247 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

CORAM:

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

W.P.(MD)No.28247 of 2024

C.Siluvai Prakasam

... Petitioner

/Vs./

1.The Tahsildar,
Sathankulam Taluk Office,
Thoothukudi District

2.The Taluk Surveyor,
Sathankulam Taluk Office,
Thoothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents herein to conduct the Survey and fixed the boundaries in respect of petitioner property comprised in Survey No.518/1B of an extent of 0-25.00 Hecters and property situated at Sastavinallur village, Sathankulam taluk, Thoothukudi District based on petitioner online survey application dated 17.05.2023 within the time stipulated by this Hon'ble court.

For Petitioner : Mr.K.Rajesh

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

This Writ Petition is filed for issuance of Writ of Mandamus directing the respondents herein to conduct the Survey and fixed the boundaries in respect of the petitioner's property comprised in Survey No.518/1B of an extent of 0-25.00 hectares and property situated at Sastavinallur village, Sathankulam taluk, Thoothukudi District based on petitioner online survey application dated 17.05.2023 within the time stipulated by this Court.

2. The petitioner purchased the property in S.No.518/1B to an extent of 0-25.00 hectares in Sastavinallur Village, Sathankulam Taluk, Thoothukudi District, under a sale deed dated 09.01.2019. From the date of purchase, the petitioner was in possession and enjoyment of the property and patta was also issued with Patta No.2840 in his favour. The petitioner, with a view to protect and safeguard his property from illegal encroachers, decided to fence the subject property. The petitioner submitted an application for survey and for fixing of the four boundaries to the respondents on 17.05.2023, along with necessary fee. As no action was taken, the petitioner sent a representation on



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11.03.2024 and in spite of the same, the respondents did not take action.

Hence, the petitioner was constrained to file 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.



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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.



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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, 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 six weeks after service of notice on the interested persons.



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(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.

27.11.2024

Index : Yes / No
NCC : Yes / No
CM

TO:

1.The Tahsildar,
Sathankulam Taluk Office,
Thoothukudi District

2.The Taluk Surveyor,
Sathankulam Taluk Office,
Thoothukudi District



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N.MALA, J.

CM

Order made in
W.P.(MD)No.28247 of 2024

Dated:
27.11.2024