



W.P.(MD) No.28384 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.28384 of 2024

Kasiammal ... Petitioner

-VS-

1.The Tahsildar,
Srirangam Taluk,
Trichy District.

2.The Firka Surveyor,
Taluk Office,
Srirangam Taluk,
Trichy District.

3.The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.

4.Kavitha ... 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 carry out survey and demarcate the petitioner's property with aid of police protection for the land comprised in survey No.137/54 situated at Kodialam



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Village, Srirangam Taluk, Trichy District, on the basis of prescribed fees being made vide challan, dated 21.11.2023.

For Petitioner : Mr.M.Karunanithi

For Respondents 1 & 2: Mr.A.Kannan,
Addl.Govt.Pleader.

For Respondent 3 : Mr.K.Gnanasekaran,
Govt. Advocate (Crl.Side)

ORDER

The petitioner has filed this Writ Petition for issuance of a writ of mandamus, directing the respondents to carry out survey and demarcate the petitioner's property with aid of police protection for the land comprised in Survey No.137/54 situated at Kodialam Village, Srirangam Taluk, Trichy District, on the basis of prescribed fees being made vide challan, dated 21.11.2023.

2. The petitioner was given an assignment patta in Patta No.13 to an extent of 2 cents in Survey No.137/54, situated at Kodialam Village, Srirangam Taluk, Trichy District. In pursuance of the said assignment, the patta was transferred in the name of his father, who constructed a thatched house in the said property. The petitioner's father expired on 30.04.1998,



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leaving behind the petitioner, as the legal heir. The petitioner decided to demarcate the property and fix the boundaries and, therefore, he made an application along with requisite fee on 21.11.2023 to the first respondent to conduct survey and fix four boundaries of the land in the subject survey number. As the fourth respondent objected to the said survey, the petitioner sought police aid vide representation, dated 05.07.2024, to the respondents 1 to 3. As no action was taken by the respondents on the petitioner's representation, the petitioner filed the above Writ Petition for the aforesaid relief.

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.

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



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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



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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, fencing can be put up only after the petitioner obtains decree from the jurisdictional Civil Court.



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(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.

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

28.11.2024

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

- 1.The Tahsildar,
Srirangam Taluk,
Trichy District.
- 2.The Firka Surveyor,
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N.MALA, J.

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