



W.P.(MD)No.30092 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2024

CORAM:

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

W.P.(MD)No.30092 of 2024

Muthu

...Petitioner

/Vs./

1. The Thasildar,
Taluk Office,
Ponnamaravathi Taluk,
Pudukkottai District.

2. The Surveyor,
Taluk Office,
Ponnamaravathi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to survey the lands to an extent of 0.61.00 ares of land in Survey number 230/8 in Thenur Revenue Village, Ponnamaravathi Taluk, Pudukkottai District on the basis of Charges paid by the Petitioner on 19.11.2024.



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For Petitioner : Mr.D.Senthil

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

This writ petition is filed seeking for a direction to the respondents to survey the land in S.No.230/8 measuring to an extent of 0.61.00 ares situated at Thenur Revenue Village, Ponnamaravathi Taluk, Pudukkottai District, on the basis of the online application dated 19.11.2024.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3. Heard the learned counsel on either side and perused the materials placed before this Court.

4. The subject property belongs to the petitioner and the petitioner has been in possession and enjoyment of the same. Patta was also mutated in the name of the petitioner. While so, the petitioner made an



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application for survey and demarcation of the boundaries of his aforesaid property on 22.12.202,3 to the respondents, along with necessary charges. Since there was no action taken on the petitioner's application, the petitioner submitted another application on 19.11.2024, along with necessary charges for the same. Even thereafter, no action was taken and hence, the petitioner filed the above writ petition.

5. 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.

6. 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



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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 survey, the objector is unable to obtain any injunction order, the survey can very well go on.



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(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.

(X) The survey authority will conclude the entire exercise one way or the other within a period of twelve weeks



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after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will be served on the parties. No costs.

7. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

13.12.2024

Index : Yes / No
NCC : Yes / No
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TO:

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Taluk Office,
Ponnamaravathi Taluk,
Pudukkottai District.
2. The Surveyor,
Taluk Office,
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N.MALA, J.

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Order made in
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Dated:
13.12.2024