



W.P.(MD)No.28998 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2024

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.28998 of 2024

and

W.M.P(MD)No.24558 of 2024

Petchiammal @ Mariammal

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Thasildar,
Srivaikundam Taluk,
Thoothukudi District.
- 3.The Block Development Officer (Village Panchayat),
Karungulam Panchayat Union,
Thoothukudi District.
- 4.The Inspector of Police,
Puliyampatti Police Station,
Thoothukudi District.
- 5.The Branch Manager,
Thoothukudi Central Cooperative Bank,
No.109, 5D, Ettaiyapuram Road,
Polpettai, Thoothukudi - 628002.
- 6.Mahalakshmi



W.P.(MD)No.28998 of 2024

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to conduct the measurement of four boundaries with the help of the 4th respondent Police and sub division in the southern portion for an extent of 5 cents, (2178 sq.ft) in S.No. 908/2B(Total extent 49 cents) Alanda Village, Srivaikundam Taluk, Thoothukudi District on the basis of the petitioners sale deed Joint Patta no. 2620 and online applications dated 21.06.2024 and dated 20.11.2024 by considering the representation given by the petitioner dated 23.11.2024.

For Petitioner	: Mr.V.Thirumal
For R1 & R2	: Mr.A.Kannan Additional Government Pleader
For R3	: Mr.P.Subbaraj Special Government Pleader
For R4	: Mr.K.Gnana Sekaran Government Advocate (Crl.side)
For R5	: Mr.D.Shanmugaraja Sethupathy

ORDER

This Writ Petition is filed to issue a Writ of Mandamus directing the 2nd respondent to conduct the measurement of four boundaries with the help of the 4th respondent Police to sub divide the southern portion of an extent of 5 cents,



W.P.(MD)No.28998 of 2024

(2178 sq.ft) in S.No. 908/2B(Total extent 49 cents) Alanda Village, Srivaikundam Taluk, Thoothukudi District on the basis of the petitioners sale deed, Joint Patta no. 2620 and online applications dated 21.06.2024 and dated 20.11.2024 by considering the representation given by the petitioner dated 23.11.2024.

2. The petitioner purchased lands to an extent of 5 cents in S.No.908/2B, Alanda Village, Srivaikundam Taluk under a registered sale deed dated 26.02.2007. The petitioner was issued joint patta in Patta No.2620, for the subject lands. The sixth respondent who is the Ex-President of the said village and his wife, the seventh respondent who is the Present President of the Panchayat, tried to interfere with the petitioner's peaceful possession and enjoyment of the property and therefore, the petitioner submitted an online application on 21.06.2024, for survey and demarcation of the boundaries of his lands. As no action was taken, the petitioner filed a second application on 20.11.2024. As even thereafter no action was taken, the petitioner submitted another application on 23.11.2024, for survey and demarcation of the boundaries of the subject lands. As no action was taken, the petitioner filed the above writ petition for the above said relief.



W.P.(MD)No.28998 of 2024

3. If any person is aggrieved by this order, it is open to them 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 of 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 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.



W.P.(MD)No.28998 of 2024

(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. If any suit is filed, subject to plaint being in order, it shall be numbered immediately. If any interlocutory application is filed, it shall be disposed of on merits and in accordance with law within a period of six weeks thereafter.

(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.



W.P.(MD)No.28998 of 2024

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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 12 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.



W.P.(MD)No.28998 of 2024

5. With the aforesaid directions, the writ petition stands disposed of. No

costs. Consequently, connected miscellaneous petition stands closed.

04.12.2024

NCC : yes/no

Index : yes/no

Internet : yes/no

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W.P.(MD)No.28998 of 2024

N.MALA, J.

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W.P.(MD)No.28998 of 2024
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