



WP(MD)No.29721 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.12.2024

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.29721 of 2024

Kanaga

... Petitioner

Vs.

1. The District Collector,
Tenkasi District,
Tenkasi.

2. The Tahsildar,
V.K.Pudur Taluk,
Tenkasi District..

3. The Taluk Surveyor,
V.K.Pudur Taluk,
Tenkasi District.

4. The Circle Deputy Inspector,
V.K.Pudur Taluk,
Tenkasi District.

5. The Inspector of Police,
Uthumali Police Station,
Tenkasi,District.

6. Ponnuchamy Nadar

7. Pulipu Muthaiya

8. Jeyaraj

... Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the 3rd respondent to survey the land situated in Punjai S.No. 165/17C to an extent of 0.22.50 hectare of Kurichampatti Village



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V.K.Pudur Taluk, Tenkasi District with the help of police protection by demarcating the boundaries on the basis of the petitioners representation dated 10.10.2024 .

For Petitioner : Mr.M.Sankar

For R1 to R4 :Mr.R.Ragavendran
Government Advocate

For R5 : Mr.K.Gnana Sekaran
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the third respondent to survey the land in Punjai S.No. 165/17C to an extent of 0.22.50 hectare, in Kurichampatti Village, V.K.Pudur Taluk, Tenkasi District, with the help of police protection by demarcating the boundaries on the basis of the petitioner's representation dated 10.10.2024 .

2. The petitioner purchased the property in S.No.165/17C to an extent of 0.22.50 hectares in Kurichampatti Village, V.K.Pudu Taluk, Tenkasi District, under a registered sale deed dated 11.10.2018. As the respondents 6 to 8 interfered with the petitioner's peaceful possession and enjoyment of the subject property, the petitioner approached the official respondents by



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way of an application to survey and to demarcate the boundaries of the subject lands on 19.12.2023 and also paid necessary fee for the same. As no action was taken, the petitioner submitted a representation on 10.10.2024. Even thereafter, no action was taken. Hence, the petitioner filed 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



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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.

(VI) It is open to the parties to serve memo of



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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 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

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

10.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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To,

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N.MALA,J.

CM

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