



WP(MD)No.29681 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.29681 of 2024

Ashok

...Petitioner

Vs.

1.The Thasildar,
Devakottai Taluk,
Sivagangai District.

2.The Firka Surveyor,
Devakottai Taluk,
Sivagangai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the respondents 1 and 2 to survey and demarcate the petitioner's rproperty in S.No.64/4A1B1, Kannankottai Village, Devakottai Taluk, Sivagangai District by considering the E-challan dated 12.08.2024 within the time stipulated by this Court.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.M.Muthumanikkam
Government Advocate

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the respondents 1 and 2 to survey and demarcate the petitioner's



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property in S.No.64/4A1B1, Kannankottai Village, Devakottai Taluk, Sivagangai District by considering the E-challan dated 12.08.2024 within the time stipulated by this Court.

2. The petitioner purchased the property in S.No. 64/4A1B1, Kannankottai Village, Devakottai Taluk, Sivagangai District, to an extent of 1870 sq.ft, under a sale deed dated 19.04.2022. Ever since the purchase, the petitioner was in possession and enjoyment of the property. The petitioner in order to secure the property wanted to survey and demarcate the boundaries of his property. The petitioner therefore made an application in this regard on 12.08.2024 and also paid the necessary fees. As no action was taken on the petitioner's application, the petitioner filed the above Writ Petition for the aforesaid relief.

3. Normally, this Court would not entertain a writ of mandamus without a representation to the respondents giving them opportunity to perform their duty.

4. In the present case, the learned Government Advocate, on instructions, submits that in pursuance of the petitioner's application, the Revenue Inspector, inspected the property and because of the objections



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of the petitioner's neighbours, survey could not be conducted.

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5. In view of the aforesaid facts, I am inclined to issue the following directions:

(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.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.



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(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. 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



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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 as per seniority after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will be served on the parties.

6. 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

To,

1.The Thasildar,
Devakottai Taluk,
Sivagangai District.

3.The Firka Surveyor,
Devakottai Taluk,
Sivagangai District.



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N.MALA,J.

CM

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