



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.12.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.30281 OF 2024

Rengasamy

: Petitioner

.VS.

1.The Tahsildar,
Kulithalai Taluk,
Karur District.

2.The Head Surveyor,
Kulithalai Taluk,
Karur District.

3.The Inspector of Police,
Thogamalai Police Station,
Kulithalai Taluk,
Karur District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to survey the Petitioner's property in S.No. 486/2, to an extent of 1.51.50 hectares situated at Rachandarthirumalai Village, Kulithalai Taluk, Karur District and to fix its boundaries as per revenue records by obtaining adequate police protection from the third respondent within the time fixed by this Court.

For Petitioner

:Mr.G.Chezhiyan



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For Respondents
1 and 2

:Mr.A.Kannan
Addl.Govt.Pleader

For Respondent-3

:Mr.K.Gnanasekaran

O R D E R

The Petitioner has filed the above Writ Petition seeking for issuance of a Writ of Mandamus directing the respondents 1 and 2 to survey the Petitioner's property in S.No.486/2, to an extent of 1.51.50 hectares situated at Rachandarthirumalai Village, Kulithalai Taluk, Karur District and to fix its boundaries as per revenue records by obtaining adequate police protection from the third respondent within the time fixed by this Court.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.K.Gnanasekaran, learned counsel takes notice for the third respondent. By consent of all parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The subject property belonged to the Petitioner's father and the Petitioner's father died on 5.10.2023. Thereafter the subject property devolved on the Petitioner and his siblings. The patta was also transferred in the name of the Petitioner and his siblings in patta NO.1938.While so the Petitioner made an



application to the respondents 1 and 2 along with the requisite fees for survey and fixing of the boundaries of the subject lands. In the meanwhile, the Petitioner and his siblings entered into a Partition Deed on 18.7.2021, and patta was also issued in patta No.1938. As no action was taken by the respondents on the Petitioner's application, the Petitioner submitted a representation to the respondents on 13.8.2024 to conduct survey and demarcate the boundaries of the subject lands. As no action was taken, the Petitioner filed the above Writ Petition for the aforesaid relief.

4. 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.

5. 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



instructions to the surveyor at the time of conducting survey.

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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 after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will



be served on the parties.

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

16.12.2024

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

- 1.The Tahsildar,
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Karur District.
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Kulithalai Taluk,
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- 3.The Inspector of Police,
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M.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.30281 of 2024

16.12.2024