

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.184 OF 2025

Mageswari

: Petitioner

.VS.

1.The District Collector,
Office of the District Collectorate,
Karur District.

2.The Revenue Divisional Officer,
Kulithalai,
Karur District.

3.The Tahsildar,
Kadavur Taluk,
Karur District.

4.The Taluk Surveyor,
Kadavur 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 to conduct the survey and fix boundaries in respect of the Petitioner's property comprised in S.No.421/1B of an extent of 0.31.58 and S.No.422/1 of an extent of 0.29.15 ares situated at Keeranur Village, Kadavur Taluk, Karur District on the basis of the Petitioner's application, dated 28.09.2024 within the time stipulated by this Court.



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2

For Petitioner

:Mr.B.Jameel Arasu

For Respondents
1 to 4

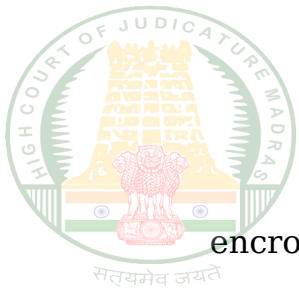
:Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition is filed for a mandamus directing the respondents to conduct the survey and fix boundaries in respect of the Petitioner's property comprised in S.No.421/1B of an extent of 0.31.58 and S.No.422/1 of an extent of 0.29.15 ares situate at Keeranur Village, Kadavur Taluk, Karur District on the basis of the Petitioner's application, dated 28.09.2024 within the time stipulated by this Court.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner is the absolute owner of the properties comprised in S.No.421/1B measuring an extent of 0.31.58 ares and S.No.422/1 measuring an extent of 0.29.15 ares situate at Keeranur Village, Kadavur Taluk, Karur District and the Petitioner was also issued with patta for the above said properties. The Petitioner in order to protect and safeguard his properties from illegal



encroachments, wanted to fence his properties. For this purpose, the Petitioner submitted an application on 28.09.2024 to survey and fix the boundaries of the properties. As no action was taken, the Petitioner sent a representation on 16.12.2024 to the respondents. As even thereafter, no action was taken, the Petitioner, filed the above Writ Petition for the aforesaid relief.

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 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.



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(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. 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.



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(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.

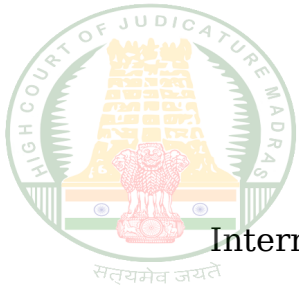
(X) The survey authority will conclude the entire exercise one way or the other within a period of six weeks after service of notice on the interested persons.

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

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

07.01.2025

NSC :Yes/No
Index:Yes/No



Internet:Yes/No

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N.MALA, J.



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7



vsn

ORDER MADE IN
W.P(MD)NO.184 of 2025

07.01.2025