

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.01.2025**

CORAM:

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P(MD)NO.243 OF 2025**

Selvi

: Petitioner

.VS.

1.The Tahsildar,  
Taluk Office,  
Madurai West Taluk,  
Madurai.

2.The Surveyor,  
Taluk Office,  
Madurai West Taluk,  
Madurai.

: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 survey the lands to an extent of 0.19 ares of land in S.No.253/4A and to an extent of 0.19 ares of land in S.No.253/4B in Vilacheri, Madurai on the basis of charges paid by the Petitioner on 2.11.2024.

For Petitioner

:Mr.D.Senthil

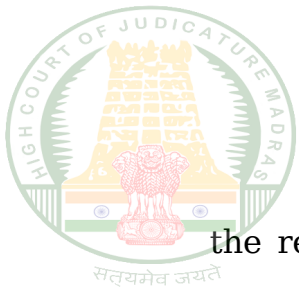
For Respondents  
1 and 2

:Mr.R.Raghavendran  
Govt.Advocate

**O R D E R**

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This Writ Petition is filed for a Writ of Mandamus directing



the respondents to survey the lands to an extent of 0.19 ares of land in S.No.253/4A and to an extent of 0.19 ares of land in S.No. 253/4B in Vilacheri, Madurai on the basis of charges paid by the Petitioner on 2.11.2024.

2.Mr.R.Raghavendran, learned Government Advocate takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner acquired the subject properties in S.No. 253/4A to an extent of 0.19 ares and S.No.253/4B to an extent of 0.19 ares from his mother under a registered settlement deed. The Petitioner, thereafter, was in possession and enjoyment of the same and even patta was also issued in his favour. The Petitioner in order to survey and fix the boundaries of the above said lands, applied to the respondents along with necessary charges on 2.11.2024.As no action was taken, the Petitioner sent representation to the respondent on 8.11.2024 and also issued legal notice on 14.12.2024. Inspite of the Petitioner's aforesaid requests, the respondents did not take any action and therefore, 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

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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.

(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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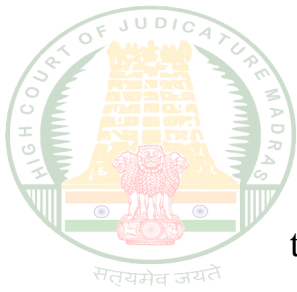
(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before 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 of



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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.

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

vsn

To

1.The Tahsildar,  
Taluk Office,  
Madurai West Taluk,  
Madurai.

2.The Surveyor,  
Taluk Office,



Madurai West Taluk,  
**Madurai.**

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**N.MALA, J.**

vsn

**ORDER MADE IN**  
**W.P(MD)NO.243 of 2025**

**07.01.2025**