



W.P.(MD) No.147 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2025

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THE HON'BLE MRS. JUSTICE N.MALA

W.P.(MD) No.147 of 2025

Mahendran

... Petitioner

Vs.

- 1.The District Collector,
Theni District, Theni.
- 2.The District Revenue Officer,
Theni District, Theni.
- 3.The Tahsildar,
Andipatti Taluk,
Theni District.
- 4.The Surveyor,
Taluk Office,
Andipatti Taluk Office,
Theni District.
- 5.The Inspector of Police,
Andipatti Police Station,
Theni District.
- 6.Ammavasi

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the first to fourth respondents to survey the petitioner's property and fix the boundary



W.P.(MD) No.147 of 2025

stones in connection with the properties in Survey No.525/1A to an extent of 1 Acre 7 Cents situated at Pulliman Kombai Village, Andipatti Taluk, Theni District, under the supervision of the fifth respondent for surveying the land, on the basis of the petitioner's representation dated 28.11.2024, within a time frame to be stipulated by this Court.

For Petitioner : Mr.P.Krishnasamy

For R1 to R4 : Mr.R.Raghavendran
Government Advocate (Civil Side)

For R5 : Mr.M.Gnanasekaran
Government Advocate (Crl. Side)

ORDER

This Writ Petition has been filed seeking the issuance of a Writ of Mandamus directing the first to fourth respondents to survey the petitioner's property and fix the boundary stones for the properties in Survey No. 525/1A, measuring 1 Acre 7 Cents, situated at Pulliman Kombai Village, Andipatti Taluk, Theni District, under the supervision of the fifth respondent, on the basis of the petitioner's representation dated 28.11.2024, within a time frame to be specified by this Court.

2. With the consent of both parties, this writ petition is taken up for final hearing at the admission stage itself.



W.P.(MD) No.147 of 2025

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3. The petitioner was settled with the subject property in Survey No. 525/1A, measuring 1 Acre 7 Cents, situated at Pulliman Kombai Village, Andipatti Taluk, Theni District, by his father, under the Settlement Deed registered as Document No. 5359/2020. Pursuant to the Settlement Deed, the petitioner continued in possession and enjoyment of the property, and the patta was also transferred in the petitioner's name under Patta No. 2101. Due to some disputes with the fifth respondent, the neighboring landowner, the petitioner decided to conduct a survey and demarcate the property. Accordingly, the petitioner applied for survey and demarcation of the property on 27.10.2022, along with the necessary fees. But, no action was taken by the authorities. Thereafter, the petitioner filed W.P. (MD) No.7780 of 2023 before this Court, seeking for a writ of mandamus. However, the petitioner later withdrew the said Writ Petition with liberty to approach the third respondent in a manner known to law. Subsequently, the petitioner sent representations dated 28.11.2024 and 11.12.2024. However, the third respondent did not respond. The petitioner, therefore, filed this Writ Petition for the aforesaid relief.

4. This Court, by an order dated 14.06.2024 in W.P.(MD) No.12676 of 2024, issued certain directions for considering the application for



W.P.(MD) No.147 of 2025

survey and fixing of boundaries. Following the said order, the same

directions are issued in this Writ Petition also, which are as follows:

- i. The petitioner is directed to submit his 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 name. If he 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 the 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



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W.P.(MD) No.147 of 2025

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 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 12 (twelve) weeks from the date of receipt of a copy of this order, after service of notice on the interested persons.
- xi. A copy of the survey report along with sketch will be served on the parties.



W.P.(MD) No.147 of 2025

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No costs.

06.01.2025

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

Copy To:

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Theni District, Theni.
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W.P.(MD) No.147 of 2025

N.MALA, J.

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W.P.(MD) No.147 of 2025

06.01.2025