



W.P.(MD) No.488 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

W.P.(MD) No.488 of 2025

K.Veluppandi

... Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

3.The Tahsildar,
Sivagangai,
Sivagangai District.

4.The Inspector of Police,
Taluk Police Station,
Sivagangai District.

5.The Head Surveyor,
Tamaraki Taluk,
Sivagangai District.

6.Muthupillai

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the first to fifth respondents to lay the survey stone and admeasure 3 cents of land in Patta No.257 in



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S.F.No.76/4B2, Sonaipatti Village, Alaguchipatti Group, Sivagangai Circle, Sivagangai District.

For Petitioner : M/s.M.Rajeswari

For R1 to R5 : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus directing the first to fifth respondents to lay the survey stones and admeasure 3 cents of land in Patta No.257, S.F.No.76/4B2, Sonaipatti Village, Alaguchipatti Group, Sivagangai Circle, Sivagangai District.

2. The petitioner's son purchased the property in S.F.No.76/4B2, Sonaipatti Village, Alaguchipatti Group, Sivagangai Circle, Sivagangai District, measuring an extent of 3 cents. The petitioner's son was also issued patta in Patta No.257 in his favour.

3. The petitioner made an application on 05.12.2023, for the measurement of the four boundaries of the subject land, along with the necessary fee. The petitioner's application was kept pending on the



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ground that the sixth respondent had applied for the cancellation of the patta issued in favour of the petitioner's son. Subsequently, the application of the sixth respondent for the cancellation of the patta was rejected. Therefore, the petitioner made a representation on 22.10.2024, to the Assistant Director of Land Survey to survey his land and sent a reminder on 18.11.2024. The Assistant Director of Land Survey forwarded the petitioner's representation to the third respondent vide a letter dated 03.12.2024. As no steps have been taken, the petitioner has filed this Writ Petition.

4. With the consent of both learned counsels, this writ petition is disposed of at the admission stage itself.

5. 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 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



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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 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.



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- 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 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.

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

08.01.2025

Neutral Citation: Yes / No
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Copy To:

- 1.The Tahsildar,
Thottiyam Taluk,
Trichy District.
- 2.The Taluk Surveyor,
Thottiyam Taluk,
Trichy District.



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N.MALA, J.

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