



W.P.(MD) No.385 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.01.2025

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

W.P.(MD) No.385 of 2025

Wavoo Shahul Hameed Cader

... Petitioner

Vs.

1.The Tahsildar,
Taluk Office,
Tiruchendur Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Taluk Office,
Tiruchendur Taluk,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, directing the respondents to survey the land in Patta No.4760, situated in S.F.No.195/6A2 at Kayalpattinam South Village, Tiruchendur Taluk, Thoothukudi District, by considering the petitioner's application dated 08.10.2024 and the petitioner's representation dated 26.12.2024.

For Petitioner : Mr.R.Jagadeeswaran

For Respondents : Mr.A.Kannan
Additional Government Pleader



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ORDER

WEB COPY This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus directing the respondents to survey the property in Patta No. 4760, situated in S.F.No.195/6A2 at Kayalpattinam South Village, Tiruchendur Taluk, Thoothukudi District, by considering the petitioner's application dated 08.10.2024 and the petitioner's representation dated 26.12.2024.

2. The Mahalathul Kathariya Sabha purchased the subject property in S.F.No.195/6A2, situated at Kayalpattinam South Village, Tiruchendur Taluk, Thoothukudi District, under a registered Sale Deed dated 17.07.1943, bearing Document No. 2236/1943, from one Seyathu Mohamed. The petitioner and one Mohideen Abdul Kadar are managing the said property. The petitioner desired to survey and fix the boundaries as per the revenue records. Therefore, the petitioner made an application to the respondents on 08.10.2024, along with the necessary fees. Since there was no response from the respondents, the petitioner submitted a representation dated 26.12.2024, requesting action. Even thereafter, there was no response from the respondents. Consequently, the petitioner was constrained to file this Writ Petition for the aforesaid relief.



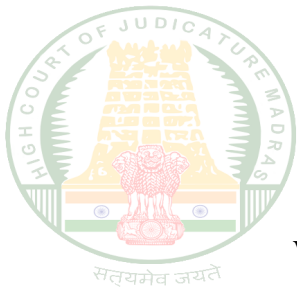
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3. With the consent of both parties, this Writ Petition is taken up for

final disposal at the admission stage itself.

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 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.



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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 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



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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 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, this Writ Petition stands disposed

of. No costs.

10.01.2025

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

Copy To:

1.The Tahsildar,
Taluk Office,
Tiruchendur Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
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N.MALA, J.

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