



W.P.(MD) No.788 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2025

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

W.P.(MD) No.788 of 2025

A.Sivalingam

... Petitioner

Vs.

1.The Tahsildar,
Singampunari Taluk Office,
Singampunari Taluk,
Sivagangai District.

2.The Firka Surveyor,
Taluk Office,
Singampunari Taluk,
Sivagangai District.

3.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.

4.Servai Adaikkan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the first to third respondents to survey the petitioner's land in Survey No.45/21, to an extent of 3 cents situated in Minnamalaipatti Revenue Village, Thiruvallanthur Post, Sivagangai District along with adequate police



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protection on the basis of the petitioner's online application dated 18.10.2024 and the representation dated 05.11.2024.

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For Petitioner : Mr.R.Sivalingam
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader
For R3 : Mr.K.Gnanasekaran
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus directing the first to third respondents to survey the petitioner's land in Survey No.45/21, measuring an extent of 3 cents, situated at Minnamalaipatti Revenue Village, Thiruvananthur Post, Sivagangai District, along with adequate police protection, based on the petitioner's online application dated 18.10.2024 and the representation dated 05.11.2024.

2. The petitioner purchased the land in Survey No.45/21, measuring an extent of 3 cents, situated at Minnamalaipatti Revenue Village, Thiruvananthur Post, Sivagangai District, under a registered Sale Deed dated 20.11.2001, from the fourth respondent for a valid consideration.



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Since the date of purchase, the petitioner has been in peaceful possession and enjoyment of the property. However, the fourth respondent tried to disturb the petitioner's possession and enjoyment of the property. Consequently, the petitioner applied online, along with the necessary fees, for a survey and fixation of boundaries on 18.10.2024. As no action was taken on the petitioner's application, the petitioner submitted a representation on 15.11.2024. Despite this, no action was taken and therefore, the petitioner filed the Writ Petition for the aforesaid relief.

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,



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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 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



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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 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.

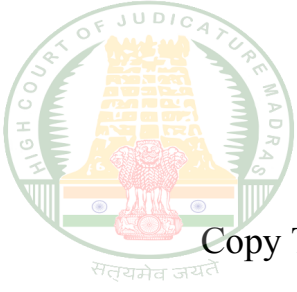
10.01.2025

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

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Copy To:

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N.MALA, J.

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