



W.P.(MD) No.979 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.979 of 2025

Seetha ... Petitioner

-VS-

1 The Tashildar,
Thiruppathur Taluk,
Sivagangai District.

2 The Firka Surveyor,
Thirukostiyur,
Sivagangai District.

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

4 Sivachidambaram ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the Respondents No.1 and 2 to conduct survey with adequate police protection by demarcating and fixing boundaries of the petitioner's land in Patta No.1594, Survey No. 165/4A, to an extent of 0.55 hectare at Kundendhalpatti Village, No.65,



W.P.(MD) No.979 of 2025

WEB COPY

Biramanampatti Group, Thirukostiyur Firka, Thiruppathur Taluk, Sivagangai District, based on the petitioner's application, dated 01.09.2022.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents 1 & 2: Mr.R.Raghavendran,
Govt. Adocate (Civil Side).

For Respondent 3 : Mr.K.Gnanasekaran,
Govt. Advocate (Crl.Side).

ORDER

The petitioner has filed this Writ Petition for issuance of a writ of mandamus, directing the Respondents No.1 and 2 to conduct survey with adequate police protection by demarcating and fixing boundaries of the petitioner's land in Patta No.1594, Survey No.165/4A, to an extent of 0.55 hectare at Kundendhalpatti Village, No.65, Biramanampatti Group, Thirukostiyur Firka, Thiruppathur Taluk, Sivagangai District, based on the petitioner's application, dated 01.09.2022.

2. The subject property in Survey No.165/4A, to an extent of 0.55 hectare at Kundendhalpatti Village, No.65, Biramanampatti Group, Thirukostiyur Firka, Thiruppathur Taluk, Sivagangai District, originally belonged to one Perappan, who was the father-in-law of the petitioner. After the demise of the petitioner's father-in-law, the husband of the petitioner inherited the property and patta was mutated in his name in Patta No.355.



W.P.(MD) No.979 of 2025

WEB COPY

The petitioner's husband executed a settlement deed in favour of the petitioner on 11.05.2022 and subsequently patta was also mutated in petitioner's name. While so, the fourth respondent, who was a land grabber, tried to interfere with the petitioner's possession of the property and, therefore, she decided to fence the same. The petitioner submitted an application for survey and demarcation of the property on 18.06.2024 to the Revenue Divisional Officer for taking steps. In response, the Revenue Divisional Officer, on 07.12.2024, stated that an enquiry would be conducted. Thereafter, as no action was taken, the petitioner sent another representation on 16.12.2024, which remained in vain. Therefore, the petitioner filed the above writ petition for the aforesaid relief.

3. With the consent of the learned counsel on both sides, this Writ Petition is taken up for final disposal at the admission stage itself. If any person is aggrieved by this order, it is open for him/her to move this Court either by way of review or recall of this order, if there is any suppression of material facts by the petitioner.

4. This Court, in W.P(MD)No.12676 of 2024, dated 14.06.2024, issued certain directions for considering the application for survey and fixing the boundary. Following the said order, the following directions are issued:



W.P.(MD) No.979 of 2025

WEB COPY

(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.

(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



W.P.(MD) No.979 of 2025

WEB COPY

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 decree from the jurisdictional Civil Court.



W.P.(MD) No.979 of 2025

WEB COPY

(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 above directions, this Writ Petition is disposed of. No costs.

10.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

dixit

To:

- 1 The Tashildar,
Thiruppathur Taluk,
Sivagangai District.
- 2 The Firka Surveyor,
Thirukostiyur,
Sivagangai District.
- 3 The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.



WEB COPY



W.P.(MD) No.979 of 2025

N.MALA, J.

dixit

W.P.(MD) No.979 of 2025

10.01.2025