



W.P.(MD)No.1546 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.1546 of 2025

T.C.Dhamayanthi

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Divisional Officer,
Thirumangalam Sub Division,
Thirumangalam,
Madurai District.

3. The Thasildhar,
Thiruparankundram Taluk,
Madurai District.

4. The Assistant Director,
Department of Survey Collectorate Campus,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 3rd and 4th respondents to conduct a survey in Survey No. 44-3A2 at Valayangulam Village, Madurai South, Madurai District to an extent of 2.10 hectares by considering challan receipt paid in receipt no. 2024/0123/24/009665 dated 15.11.2024 within a time stipulated by this Court.

For Petitioner : Mr.S.M.Ramasiva

For Respondents : Mr.A.Kannan

Additional Government Pleader



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ORDER

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The writ petition is filed for a writ of mandamus directing the respondents 3 and 4 to conduct a survey of the petitioner's land in Survey No. 44-3A2 at Valayangulam Village, Madurai South, Madurai District to an extent of 2.10 hectares within a time frame fixed by this Court.

2. The petitioner purchased the subject property on 20.12.2006 under a registered document in Doc.No.8492/2006. The petitioner was issued patta in Patta No.3735 for the subject property. The petitioner constructed a house in the subject property. The petitioner approached the third respondent and requested him to survey the subject property and also made an application along with necessary fee on 10.05.2024. The second respondent on 06.11.2024 directed the third respondent to take appropriate action on the petitioner's petition. Even thereafter, the third respondent did not initiate any action and therefore the petitioner submitted a second application on 15.11.2024. As the third respondent did not initiate any action even on the second application, the petitioner submitted a grievance petition to the fourth respondent on 23.12.2024. Even thereafter, no action was taken. Hence, the petitioner filed the above writ petition for the aforesaid relief.



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3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. It is open to any aggrieved party 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:

(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.

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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



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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 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.

22.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM



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To:

1. The District Collector,
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2. The Revenue Divisional Officer,
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Thirumangalam,
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3. The Thasildhar,
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N.MALA, J.

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