



W.P.(MD)No.1528 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.1528 of 2025**

R.Chokkiah

... Petitioner

Vs.

1.The Tahsildar,  
Kallikudi Taluk,  
Madurai District.

2. The Taluk Surveyor,  
Taluk Surveyor Office,  
Kallikudi Taluk,  
Madurai District.

3. M.Ganeshpandi

4. The Inspector of Police,  
Koodakovil Police Station,  
Koodakovil,  
Madurai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to issue a direction on the basis of survey notice 20.11.2024, to direct the second respondent to fix a time frame to complete the survey process work of the petitioners land situated in Old Survey No. 21/6A1 in sub division present New Survey No. 21/13 in 0.04.0 Ares i.e. 10 cent at Melaupplikundu village, Kallikudi Taluk, Madurai South Registration District, Madurai District the aid of the 4<sup>th</sup> respondent.



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For Petitioner : Mr.J.Mathesh  
For R1 & R2 : Mr.A.Kannan  
Additional Government Pleader  
For R3 : Mr.M.Muruganandam  
For R4 : Mr.K.Gnana Sekaran  
Government Advocate(Crl.side)

### **ORDER**

The writ petition has been filed for a Writ of Mandamus directing the second respondent to fix a time frame to complete the survey process work of the petitioner's land in Old Survey No. 21/6A1 in sub division present New Survey No. 21/13 in 0.04.0 ares i.e. 10 cent in Melaupplikundu Village, Kallikudi Taluk, Madurai South Registration District, Madurai District, with the aid of the 4<sup>th</sup> respondent on the basis of survey notice dated 20.11.2024.

2. The petitioner purchased the property in old S.No.21/6A1 in new S.No. 21/13 to an extent of 10 cents under a registered sale deed in Doc.No. 3010/2024. In order to avoid conflict with the adjacent land owner, the petitioner approached the second respondent, the Taluk Surveyor, Tirumangalam Taluk, Madurai District, for survey of his lands and submitted an application on 22.08.2024, along with requisite fees. The petitioner has also filed WP(MD)No.21994 of 202 seeking the relief of survey of the petitioner's land and the same was allowed. The petitioner states that the second respondent has initiated action to survey his lands but due to the objections of the third



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respondent, survey could not be conducted. Meanwhile, the first respondent issued summons to the petitioner to appear before him on 17.12.2024. The petitioner also appeared. Thereafter, no action was taken. Hence, the petitioner filed the above writ petition for the aforesaid relief.

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



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their consent for conducting survey.

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(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.

(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.



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(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 as per seniority of application 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:**

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3. The Inspector of Police,  
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**N.MALA, J.**

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