



WP(MD)No.2081 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.01.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.2081 of 2025

V.Baskaran

...Petitioner

Vs.

1. The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.
2. The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.
3. Kattimani
4. Kuppusamy
5. Maruthamuthu
6. Arumugam
7. Durairaj

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents herein to measure and issue the patta to the petitioner with regard to the property in Survey No.496/6 to an extent of 0.072 Hectares situated at Karungal Village, Gujiliamparai Taluk, Dindigul District based on his representations dated 26.07.2021 and 30.09.2024

For Petitioner : Mr.G.Gomathisankar
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader



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ORDER

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This Writ Petition is filed for issuance of writ of mandamus directing the first and second respondents herein to measure and issue the patta to the petitioner with regard to the property in Survey No.496/6 to an extent of 0.0.72 Hectares situated at Karungal Village, Gujiliamparai Taluk, Dindigul District.

2. The petition mentioned property originally belonged to the petitioner's grand mother and and the petitioner's father. As there were some disturbances from the respondents 3 and 6 for the possession and enjoyment of the property, the petitioner's father and his grand mother filed a suit in O.S.NO.64 of 2002 on the file of the District Munsif cum Judicial Magistrate Court, Vendasandur, for injunction and the same was decreed in their favour. After the demise of the petitioner's grand mother and his father, the petitioner was in possession and enjoyment of the properties as legal heir. While so, the petitioner submitted an online application along with requisite fee on 26.07.2021 to survey and demarcate the boundaries of his property and for issuance of patta in his favour. As the same was not considered, the petitioner filed WP(MD)No. 17368 of 2021 and obtained an order. Thereafter, he also filed a



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Contempt Petition in Cont.P(MD)No.1781 of 2024. In pursuance of the above proceedings, the petitioner made a representation before the first respondent on 30.09.2024. In spite of the above proceedings and in spite of the petitioner's representation dated 30.09.2024, no action was taken. Therefore, 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



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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 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



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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.

(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.



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(XI) A copy of the survey report along with sketch will

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5. With the aforesaid directions, the Writ Petition stands disposed

of. No costs.

27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To,

1. The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

2. The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.



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N.MALA,J.

CM

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