



W.P.(MD)No.1576 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.1576 of 2025

Natarajan

... Petitioner

Vs.

1.The Tahsildar,
Ponnamarvathy Taluk,
Pudukkottai District.

2. The Station House Officer,
Ponnamaravathy Police Station,
Ponnamaravathy,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to survey and demarcate the boundaries of the petitioners land situated in Survey No.797/3 and 798/1A Ponnamarvathy West Revenue Village, Ponnamaravathy Taluk, Pudukkottai District as per the provisions of the Tamil Nadu Survey and Boundaries Act 1923 within the time that may be stipulated by this Honourable court and to direct the 2nd respondent to accord protection for the said exercise.

For Petitioner : Mr.M.Mahaboob Athief

For Respondents : Mr.A.Kannan

Additional Government Pleader

ORDER

The writ petition has been filed for a writ of mandamus directing the first respondent to survey and demarcate the boundaries of the petitioner's land in



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Survey Nos.797/3 and 798/1A Ponnamarvathy West Revenue Village, Ponnamaravathy Taluk, Pudukkottai District within the time frame to be fixed by this Court.

2. The petitioner is the owner of the lands in Survey Nos.717/5, 797/3 and 798/1A Ponnamarvathy West Revenue Village, Ponnamaravathy Taluk, Pudukkottai District. The petitioner was issued patta in Patta No.5907 by the jurisdictional Tahsildar for the subject properties. The petitioner intended to develop the subject properties. He submitted an online application for surveying the property on 28.11.2024 and 27.11.2024 and paid the requisite fees. The petitioner's application was taken on file in No.2024/0123/22/006171. On the petitioner's application, the first respondent addressed a proceeding dated 26.12.2024 to the second respondent intimating that he intended to survey the subject property and for that purpose sought for protection. In spite of the above, no action was initiated for conducting survey. 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.



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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.

(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 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.



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(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

To:

- 1.The Tahsildar,
Ponnamarvathy Taluk,
Pudukkottai District.
2. The Station House Officer,
Ponnamaravathy Police Station,
Ponnamaravathy,
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N.MALA, J.

CM

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