



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.2147 OF 2025

V.Ramachandran

: Petitioner

.VS.

1.The Tahsildar,
Dindigul East,
Dindigul.

2.The Surveyor,
Tahsildar Office,
Dindigul.

3.V.Vellaiammal

4.S.Chellapandi

5.K.Poondevi

6.S.Rajapandi

7.K.Veeranan

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the Petitioner's representation, dated 1.11.2022 to survey the lands and earmark the boundaries in the property situated at Ragalapuram Village, Dindigul East, Dindigul District in Joint Patta No.168 in S.No.375 and to issue separate patta for an extent of 43 cents in the Petitioner's name and in Ragalapuram Village, Dindigul East, Dindigul District in Joint



Patta No.922 in S.Nos. 374 and 378/1 and also to issue patta for 50 cents in S.No.374 and 64 cents in 4378/1, a total extent of 1acre and 35 cents in favour of the Petitioner's name.

For Petitioner :Mr.T.R.Subramanian

For Respondents :Mr.A.Kannan
1 and 2 Addl.Govt.Pleader

ORDER

This Writ Petition is filed for a Writ of Mandamus directing the respondents 1 and 2 to consider the Petitioner's representation, dated 1.11.2022 to survey the lands and earmark the boundaries in the property situated at Ragalapuram Village, Dindigul East, Dindigul District in Joint Patta No.168 in S.No.375 and to issue separate patta for an extent of 43 cents in the Petitioner's name and in Ragalapuram Village, Dindigul East, Dindigul District in Joint Patta No.922 in S.Nos. 374 and 378/1 and also to issue patta for 50 cents in S.No.374 and 64 cents in 4378/1, a total extent of 1 acre and 35 cents in favour of the Petitioner's name.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 and 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



3.The Petitioner was issued joint patta in Patta No.168 for S.No.375 to an extent of 43 cents and joint patta in Patta No.922 in S.Nos. 374 and 378/1 to an extent of 50 cents and 64 cents, totally 1 acre and 35 cents in Ragalapuram Village, Dindigul East, Dindigul District and the Petitioner in order to get separate patta for the entire 1 acre and 35 cents for the aforesaid lands applied for survey and demarcation of boundaries for the subject properties. The Petitioner along with application, paid necessary charges on 01.11.2022 to the second respondent. Since the second respondent failed to take any action, the Petitioner filed the above Writ Petition for the aforesaid relief.

4.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.

5.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



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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.

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(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.

(X) The survey authority will conclude the entire exercise one way or the other within a period of six weeks



after service of notice on the interested persons.

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(XI) A copy of the survey report along with sketch will be served on the parties.

6. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

28.01.2025

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

- 1.The Tahsildar,
Dindigul East,
Dindigul.
- 2.The Surveyor,
Tahsildar Office,
Dindigul.



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N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.2147 of 2025

28.01.2025