



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.2143 OF 2025

N.Vasanth

: Petitioner

.vs.

1.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.

2.The Inspector of Police
Nadukkavery Police Station,
Thiruvaiyaru Taluk,
Thanjavur District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to conduct survey and fix the boundaries of the Petitioner's land measuring to an extent of 0.04.50 ares equal to 4844 sq.ft comprised in S.No.291/1(Old S.No.271/1 part) situated at Thenparambur Village, Thiruvaiyaru Taluk in Thanjavur District by considering the Petitioner's application, dated 1.8.2024 by granting necessary police protection by the second respondent based on the first respondent letter , dated 6.1.2025 vide A.Ke.Ma. 124/2024/Aa4 and consequently to direct the first respondent to transfer the patta vide Patta No.418 in the name of the Petitioner within the time to be stipulated by this Court.



For Petitioner :Mr.AV.Raja
For Respondent-1 :Mr.M.Muthumanikkam
Government Advocate
For Respondent-2 :Mr.K.Gnanasekaran
Govt.Advocate(Crl.Side)

ORDER

The Writ Petition is filed for a Writ of Mandamus directing the first respondent to conduct survey and fix the boundaries of the Petitioner's land measuring to an extent of 0.04.50 ares equal to 4844 sq.ft comprised in S.No.291/1(Old S.No.271/1 part) situated at Thenparambur Village, Thiruvaiyaru Taluk in Thanjavur District by considering the Petitioner's application, dated 1.8.2024 by granting necessary police protection by the second respondent based on the first respondent letter , dated 6.1.2025 vide A.Ke.Ma. 124/2024/Aa4 and consequently to direct the first respondent to transfer the patta vide Patta No.418 in the name of the Petitioner within the time to be stipulated by this Court.

2.Mr.M.Muthumanikkam, learned Government Advocate, takes notice for the first respondent and Mr.K.Gnanasekaran, learned Government Advocate(Crl.Side) takes notice for the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



3.The Petitioner acquired the subject property under registered settlement deed, dated 26.7.2024 executed by his father. The Petitioner was in possession and enjoyment of the subject property without any hindrance after settlement. Whiles, the petitioner approached the first respondent for transfer of patta in Patta No.418 issued in the name of his father in his name and also filed an application for survey and demarcation of the boundaries of the subject land. The petitioner made an online application and also paid the requisite fees for survey and demarcation to the first respondent. The first respondent in pursuance of the application, issued summons, dated 14.12.2024 and on the said date, as there were objections from the adjacent land owners, the survey was not conducted and hence, the first respondent addressed a letter to the second respondent on 6.1.2025 to provide necessary police protection for conducting survey. As the survey was not conducted, the Petitioner filed the above Writ Petition for the aforeaid 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 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



WEB COPY

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



WEB COPY

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.

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

27.01.2025

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

vsn

To

1.The Tahsildar,
Thiruvaiyaru Taluk,
Thanjavur District.

2.The Inspector of Police
Nadukkavery Police Station,
Thiruvaiyaru Taluk,
Thanjavur District.



WEB COPY

7



N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.2143 of 2025

27.01.2025