



W.P.(MD) No.2299 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.2299 of 2025

Ashokan

...

Petitioner

-vs-

1 The Tahsildar,
Kulathur Taluk,
Pudukottai District.

2 The Taluk Surveyor,
Kulathur Taluk,
Pudukottai District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents herein to conduct survey and fix boundaries in respect of the petitioner's property comprised S.No. 269/3 of an extent of 0-28.5 ares, S.No.271/3 of an extent of 0-35 ares, and S.No. 440/2 of an extent of 0-2.5 ares, situated at Killukkottai Village, Kulathur Taluk, Pudukkottai District, on the basis of the petitioner's applications, dated 07.08.2024 and 20.08.2024.



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For Petitioner : Mr.B.Jameelarasu

For Respondents : Mr.A.Kannan,
Addl. Govt. Pleader.

ORDER

This Writ Petition is filed for issuance of a writ of mandamus, directing the respondents to conduct survey and fix boundaries in respect of the petitioner's property comprised S.No. 269/3 of an extent of 0-28.5 ares, S.No.271/3 of an extent of 0-35 ares, and S.No. 440/2 of an extent of 0-2.5 ares, situated at Killukkottai Village, Kulathur Taluk, Pudukkottai District, on the basis of the petitioner's applications, dated 07.08.2024 and 20.08.2024.

2. The petitioner was the absolute owner of the subject properties and he was also issued patta for the same. The petitioner, in order to safeguard his properties, decided to fence the properties. Therefore, he submitted online applications, along with necessary fee, for survey and demarcation of the boundaries of the properties, on 07.08.2024 and 20.08.2024. The petitioner also periodically visited the respondents, requesting them to conduct survey. The petitioner, on 17.12.2024, submitted a representation to the respondents to conduct survey. Even thereafter, no action was taken by the respondents. Therefore, the petitioner filed the above Writ Petition for the aforesaid relief.



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3. With the consent of the learned counsel on both sides, this Writ Petition is taken up for final disposal at the admission stage itself. If any person is aggrieved by this order, it is open for him/her 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 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 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 above directions, this Writ Petition is disposed of. No costs.

28.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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N.MALA, J.

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