



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.2517 OF 2025

Ramanathan

: Petitioner

.VS.

1.The Tahsildar,
Peravurani Taluk,
Thanjavur District.

2.The Taluk Surveyor
Peravurani 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 second respondent to conduct the survey and fixing of four boundaries in S.No.52/2B1A to an extent of 2 ½ cents situated at Nattanikkottai Village, Peravurani Taluk, Thanjavur District based on the online application receipt No.2024.0123/21/00616, dated 16.12.2024 within the time frame fixed by this Court.

For Petitioner

:Mr.V.Anand

For Respondents
1 and 2

:Mr.R.Raghavendran
Govt.Advocate

O R D E R

This Writ Petition is filed for a Writ of Mandamus directing



the second respondent to conduct the survey and fix the four boundaries of the property in S.No.52/2B1A to an extent of 2 ½ cents, in Nattanikkottai Village, Peravurani Taluk, Thanjavur District based on the online application, dated 16.12.2024 within the time frame fixed by this Court.

2.Mr.R.Raghavendran, learned Government Advocate 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 purchased the subject property under a registered sale deed in Document No.3362 of 2024.The Petitioner was also issued patta in Patta No.20162 for the said property. The Petitioner was in peaceful possession and enjoyment of the property without any hindrance from any quarter. The Petitioner with a view to fence his properties, submitted an application on 16.12.2024 to the first respondent along with necessary fees for survey and for demarcation of the properties. As no action was initiated, the Petitioner has 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 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



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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



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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, as per the seniority, 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.

29.01.2025

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

vsn

To

1.The Tahsildar,
Peravurani Taluk,
Thanjavur District.



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2.The Taluk Surveyor
Peravurani Taluk,
Thanjavur District.



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N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.2517 of 2025

29.01.2025