



WP(MD)No.2871 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.01.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.2871 of 2025

Hari Balakrishnan

...Petitioner

Vs.

1.The Tashildar,
Thiruvengadam Taluk,
Tenkasi District.

2. The Taluk Surveyor,
Thiruvengadam Taluk,
Tenkasi District.

3. The Inspector of Police,
Kuruvikkulam Police Station,
Tenkasi District.

4. Ramaraj

5. Balamurugan

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take necessary steps to survey the properties in S.F.No. 469 to an extent of 1.26.00 and S.F.No. 470 to an extent of 1.28.5 hectares situated at Pazhankottai village, Thiruvengadam taluk, Tenkasi District along with necessary police protection on the petitioners online application dated 14.09.2024 within the time frame may be fixed by this Court.

For Petitioner	: Mr.M.Prabu
For R1 & R2	: Mr.R.Raghavendran Government Advocate
For R3	: Mr.K.Gnansekaran



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Government Advocate (Crl.side)

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ORDER

This Writ Petition is filed for issuance of mandamus directing the respondents 1 and 2 to take necessary steps to survey the properties in S.F.No. 469 to an extent of 1.26.00 and S.F.No. 470 to an extent of 1.28.5 hectares situated at Pazhankottai village, Thiruvengadam taluk, Tenkasi District along with necessary police protection on the basis of the petitioner's online application dated 14.09.2024 within the time frame to be fixed by this Court.

2. The petitioner's wife purchased the property in S.NO.470 to an extent of 1.28.5 hectares in Pazhankottai village, Thiruvengadam taluk, Tenkasi District under a registered sale deed in Doc.No.3788/2010 dated 15.12.2010. The petitioner purchased the land in S.No.469 to an extent of 1.26.00 hectares in Pazhankottai village, Thiruvengadam taluk, Tenkasi District, under a registered sale deed in Doc.NO.1300/2024, dated 24.04.2024. The petitioner and his wife were enjoying the properties without any let or hindrance. Pattas were also issued in Patta Nos.6756 and 5718. The petitioner and his wife decided to survey and demarcate the boundaries of the properties. The petitioner therefore submitted an



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application on 14.09.2024, along with necessary fees for survey and demarcation of the boundaries of their lands. On receipt of the petitioner's application, the respondents 1 and 2 issued notice of survey to the petitioner informing that the survey would be conducted on 13.01.2025. On that day, the second respondent along with other revenue officials started conducting survey. Due to the objections of the respondents 3 and 4, survey could not be completed. Therefore, the petitioner approached the respondents 1 and 2 personally. As no further steps were taken in pursuance of the application, 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.

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:



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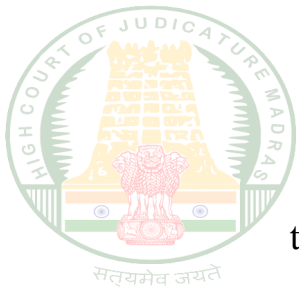
(I) The petitioner is directed to submit his / her application in on-line mode. The survey authority will scrutinize if the application submitted by the petitioner is in order. Patta need not be in the name of the applicant. If patta is in the name of the vendor and mutation has not been effected, still 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



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that the objector can move the concerned Court for injunction.

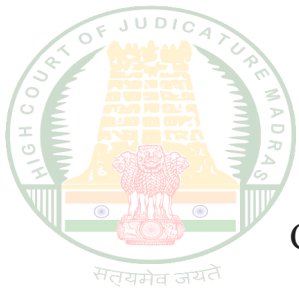
If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(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



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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.

31.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM

To,

1. The Tashildar,
Thiruvengadam Taluk,
Tenkasi District.

2. The Taluk Surveyor,
Thiruvengadam Taluk,
Tenkasi District.

3. The Inspector of Police,
Kuruvikkulam Police Station,
Tenkasi District.



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N.MALA,J.

CM

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