



WP(MD)No.2882 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.2882 of 2025

K.Gurusamy

...Petitioner

Vs.

1. The Tahsildar,
Peraiyur Taluk,
Madurai District.

2. The Firka Surveyor,
Taluk Office,
Kallupatti Firka,
Peraiyur Taluk,
Madurai District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus directing the respondents to carry out survey and demarcate the petitioners property comprised in Survey Nos. 153/5B3, 187/3C, 196/1B3 and 3/4C situated at Appakkarai Revenue Village, Peraiyur Taluk, Madurai District on the basis of prescribed fees being made vide challan dated 31.08.2024.

For Petitioner : Mr.s.pRABHU

For Respondents : Mr.M.Muthumanikkam
Government Advocate

ORDER

This Writ Petition is filed for issuance of mandamus directing the respondents to carry out survey and demarcate the petitioners property



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comprised in Survey Nos.153/5B3, 187/3C, 196/1B3 and 3/4C in Appakkarai Revenue Village, Peraiyur Taluk, Madurai District on the basis the petitioner's application dated 31.08.2024.

2. The petitioner and his brother purchased the property in S.Nos. 3/4C. Thereafter, the petitioner and his brother partitioned the properties. In pursuance of the partition, the revenue records were mutated in the names of the petitioner and his brother. The petitioner, with a view to survey and demarcate the boundaries of his properties, submitted an application on 31.08.2024 along with necessary fee for survey and demarcation of boundaries of the property in S.Nos.153/5C and 187/3B. On the basis of the petitioner's application, the third respondent issued notice on 06.09.2024 intimating that the petitioner that survey would be conducted on 09.09.2024. Because of the objections of the adjacent land owners, survey was not conducted not only on 09.09.2024, but also on 13.09.2024. Therefore, 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



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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:

(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.



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(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.

(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.



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

31.01.2025

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



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To,

1. The Tahsildar,
Peraiyur Taluk,
Madurai District.

2. The Firka Surveyor,
Taluk Office,
Kallupatti Firka,
Peraiyur Taluk,
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N.MALA,J.

CM

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