



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.12753 OF 2023

Dayana

: Petitioner

.VS.

- 1.The District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 3.The Tahsildar,
Vilavancode Taluk,
Vilavancode,
Kanyakumari District.
- 4.The Surveyor,
Vilavancode Taluk,
Kanyakumari District.
- 5.The Inspector of Police,
Kadayalmoodu Police Station,
Kanyakumari District.
- 6.Venuslass
- 7.Paulraj
- 8.John
- 9.Rani
- 10.Renso



11.Selastin

12.Victoria

13.Prajin

14.Bibin

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 3 and 4 to survey and demarcate the Petitioner's property comprised in S.No.751/1, to an extent of 50 cents, patta No.1131, situated at Kaliyal Villge, Vilavancode Taluk, Kanyakumari District and issue separate patta in the Petitioner's name and give police protection by the respondents 2 and 4 by considering the the Petitioner's online application dated 8.2.2023 within the time frame fixed by this Court.

For Petitioner	:Mr.A.Rajaram
For Respondents 1,3 and 4	:Mr.A.Kannan, Addl.Govt.Pleader
For Respondents 2 and 5	:Mr.K.Gnanasekaran Govt.Advocate(Crl.side)
For Respondents 6,9 and 10	:Mr.B.Brijesh Kishore

ORDER

The Writ Petition is filed for a Writ of Mandamus directing the respondents 3 and 4 to survey and demarcate the Petitioner's property comprised in S.No.751/1, to an extent of 50 cents, patta No.1131, situated at Kaliyal Villge, Vilavancode Taluk,



Kanyakumari District and issue separate patta in the Petitioner's name and for police protection by the respondents 2 and 4 by considering the the Petitioner's online application dated 8.2.2023 within the time frame fixed by this Court.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The property originally belonged to the Petitioner's mother and she subsequently executed a settlement deed on 3.5.2021 in favour of Petitioner. As there was some disturbance from respondents 5 to 7, the Petitioner approached the respondents for survey and demarcation of the boundaries of his property. He also paid the necessary fees to the third respondent for survey and demarcation of the boundaries of his lands and for issuance of patta. As there was no response from the respondents, the Petitioner filed the above Writ Petition for the aforesaid relief.

4. The learned Additional Government Pleader appearing for the respondents 1, 3 and 4 submitted that the survey is scheduled to be held today.

5. The learned counsel for the private respondents/



respondents 6,9 and 10 submitted that as per the instructions, survey has not been conducted and therefore, the respondents may be directed to issue fresh notice to the respondents to enable them to file their objections, if any, to the survey. The learned counsel for the Petitioner has no objection to the counsels aforesaid submission.

6. In view of the above, the official respondents are directed to issue fresh notice of survey to the Petitioner as well as to the respondents and thereafter conduct survey as per the directions issue by this Court in W.P(MD)No.12676 of 2024, dated 14.06.2024, which are as follows :

(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-



pattadhars must give their consent for conducting survey.

WEB COPY

(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



WEB COPY



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 Court.

(X) The survey authority will conclude the entire exercise one way or the other within a period of six 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.

7. 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 District Collector,
Kanyakumari District,
Kanyakumari.
- 2.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 3.The Tahsildar,
Vilavancode Taluk,
Vilavancode,
Kanyakumari District.
- 4.The Surveyor,
Vilavancode Taluk,
Kanyakumari District.
- 5.The Inspector of Police,
Kadayalmoodu Police Station,
Kanyakumari District.



WEB COPY



8

N.MALA, J.

vsn

ORDER MADE IN
W.P(MD)NO.12753 of 2023

27.01.2025