

W.P.(MD)No.11485 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.01.2025

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THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.11485 of 2023

and

W.M.P(MD)No.22842 of 2023

S.Malaisamy

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Tahsildar,
Thiruchuli Taluk,
Thiruchuli,
Virudhunagar District.
- 4.The Taluk Surveyor,
Thiruchuli Taluk,
Thiruchuli,
Virudhunagar District.
- 5.The Sub Inspector of Police,
Veeracholan Police Station,
Veeracholan,
Virudhunagar District.



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6.Dhanasekaran

... Respondents

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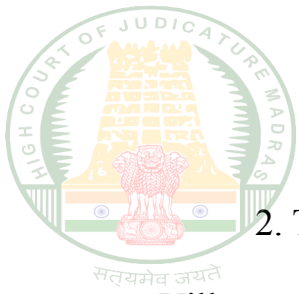
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1, 3 and 4 herein to survey and to earmark the four boundaries of the petitioner's property situated in S.No.76/1B to an extent of 15 cents at Veera Alangulam Village, Veeracholan Post, Thiruchuli Taluk, Virudhunagar District with the assistance of the respondents 2 and 5 and give adequate protection for fencing the same, on the basis of the petitioner's representation, dated 20.04.2023.

For Petitioner : Mr.B.Anandan

For R1 to R5 : Mr.A.Kannan
Additional Government Pleader

ORDER

The writ petition has been filed for a direction to the respondents 1, 3 and 4 herein to survey and to earmark the four boundaries of the petitioner's property in S.No.76/1B, to an extent of 15 cents, at Veera Alangulam Village, Veeracholan Post, Thiruchuli Taluk, Virudhunagar District with the assistance of the respondents 2 and 5 and give adequate protection for fencing the same, by considering the petitioner's representation, dated 20.04.2023.



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2. The petitioner as the President of Yadavar Sangam at Veera Alangulam

Village collected money from his community people to build a Krishnar Kovil and Marriage Hall. The petitioner thereafter purchased the land in S.No.76/1B, to an extent of 15 cents, at Veera Alangulam Village, Veeracholan Post, Thiruchuli Taluk, Virudhunagar District and the same was registered in Veeracholan Sub Registrar Office. When the petitioner tried to fence the lands, the sixth respondent objected to the same. The sixth respondent filed a suit in O.S.No.53 of 2022, on the file of the Sub Court, Aruppukkottai and the same is pending. While so, the petitioner submitted an application to the fourth respondent to survey the subject lands and fix the four boundaries for the same. As no action was taken by the fourth respondent, the petitioner submitted a representation to the respondents on 20.04.2023, and even thereafter, no action was taken and so the petitioner filed the above writ petition for the aforesaid relief.

3. With the consent of both learned counsels, this writ petition is taken for final disposal. If any person is aggrieved by this order, it is open to them 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.



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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 of boundary. Following the said order, the following directions are issued:

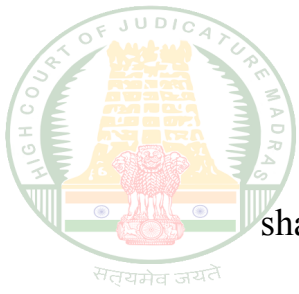
(I) The petitioner is directed to submit his / her application in on-line mode. The survey authority will scrutinize if the application submitted by the petitioner is in order. Patta need not be in the name of the applicant. If patta is in the name of the vendor and mutation has not been effected, still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



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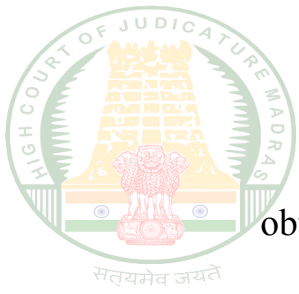
shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(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 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



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obtains decree from the jurisdictional Civil Court.

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(X) The survey authority will conclude the entire exercise one way or the other **within a period of 12 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. No costs.

5. With the aforesaid directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

07.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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N.MALA, J.

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