



W.P.(MD) No.16255 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.01.2025

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.16255 of 2023

K.Mani

...

Petitioner

-vs-

1 The Thasildar,
O/o.Thasildar Office,
Thurayiur Taluk,
Trichy District.

2 The Survey Officer,
Thuraiyur,
Trichy District.

3 R.Periyasamy

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 1st and 2nd respondents to issue notice to all the parties concerned by including the 3rd respondent herein as per the Land Survey and Boundaries Act under Section 9 to 11 and may be surveyed and may be earmarked the boundaries in respect of the property in Survey Nos.164/2B, 163/2, 164/1, 165/4A, 165/1K,



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WEB C 165/2, and 122/1, at Patchaperumalpatti North, Thuraiyur Taluk, Trichy District, on the basis of the petitioner's application, dated 13.01.2023.

For Petitioner : Mr.A.George Stephen Kanikkairaj

For Respondents 1 & 2 : Mr.M.Muthumanikkam,
Govt.Advocate (Civil Side).

ORDER

This Writ Petition has been filed for issuance of a writ of mandamus, directing the respondents 1 and 2 to survey and earmark the boundaries of the property in Survey Nos.164/2B, 163/2, 164/1, 165/4A, 165/1K, 165/2, and 122/1, at Patchaperumalpatti North, Thuraiyur Taluk, Trichy District, on the basis of the petitioner's application, dated 13.01.2023.

2. The petitioner's father purchased the subject lands through a registered sale deed vide document No.399/2008. After the demise of his father, the petitioner and his elder brother continued in joint possession of the said property. While so, the third respondent, who is none other than the brother-in-law of the petitioner and also an adjacent land owner, tried to grab the petitioner's property, by trespassing into the same. Therefore, the petitioner decided to survey the lands and also to fix the four boundaries, for



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which he made an application to the first respondent on 13.01.2023, along with necessary fee. As no action was taken by the respondent, the petitioner filed the above Writ Petition for the aforesaid relief.

3. With the consent of the learned counsel on both sides, this Writ Petition is taken up for final disposal at the admission stage itself. If any person is aggrieved by this order, it is open for him/her 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



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WEB COPY 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 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.



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(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 Court.

(X) The survey authority will conclude the entire exercise one way or the other as per seniority of applications, after service of notice on the interested persons.

(XI) A copy of the survey report along with sketch will be served on the parties.



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5. With the above directions, this Writ Petition is disposed of. No costs.

08.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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O/o.Thasildar Office,
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Trichy District.
- 2 The Survey Officer,
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N.MALA, J.

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