



WP(MD)No.2078 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM

THE HON'BLE MRS.JUSTICE N.MALA

W.P(MD)No.2078 of 2025

Asiamma

...Petitioner

Vs.

1. The District Collector,
Ramanathapuram District.

2. The Thasildhar,
Thiruvadanai Taluka,
Ramanathapuram District.

3. The Head Surveyor,
Thiruvadanai Taluka,
Ramanathapuram District.

4. The Block Development Officer,
Thiruvadanai Union,
Ramanathapuram.

5. The Panchayat Secretary,
Pullakadampan Panchayath,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India to issue a writ of mandamus directing the second and third respondents to survey and measure the land of the petitioner with regard to property at Old Survey No.201/2 New Natham Survey NO.201/31 in Marungur Revenue Village, Thiruvadanai Taluka, Ramanathapuram



WP(MD)No.2078 of 2025

District by considering the petitioner's petition in No.2024/N123/
27/003788 dated 14.11.2024.

For Petitioner : Mr.B.Mahendrarajan
For R1 to R4 : Mr.A.Kannan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of mandamus directing the second and third respondents to survey and measure the land of the petitioner in Old Survey No.201/2 New Natham Survey NO. 201/31 in Marungur Revenue Village, Thiruvadanai Taluka, Ramanathapuram District.

2. The subject property originally belonged to the petitioner's husband namely, Appash who purchased the same under a registered sale deed in Doc.Nos.88/1977 and 1847/1973. After the demise of the petitioner's husband, the petitioner and her son were in possession and enjoyment of the subject property. Patta was also transferred in favour of the petitioner in Patta No.863 on 16.10.2018. While so, the respondents 4 and 5 proposed to construct a public toilet in the petitioner's land. The petitioner therefore submitted an online application to the respondents 2 and 3 along with necessary fee on 14.11.2024 for survey and



WP(MD)No.2078 of 2025

demarcation of the boundaries of the properties. As no action was taken on the petitioner's 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:

(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



WP(MD)No.2078 of 2025

WEB COPY

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 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.



WP(MD)No.2078 of 2025

WEB COPY

(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 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.



WP(MD)No.2078 of 2025

5. With the aforesaid directions, the Writ Petition stands disposed

of. No costs.

27.01.2025

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

- To,
1. The District Collector,
Ramanathapuram District.
 2. The Thasildhar,
Thiruvadanai Taluka,
Ramanathapuram District.
 3. The Head Surveyor,
Thiruvadanai Taluka,
Ramanathapuram District.
 4. The Block Development Officer,
Thiruvadanai Union,
Ramanathapuram.
 5. The Panchayat Secretary,
Pullakadampan Panchayath,
Ramanathapuram District.



WEB COPY



WP(MD)No.2078 of 2025

N.MALA,J.

CM

W.P(MD)No.2078 of 2025

27.01.2025