



W.P.(MD) No.82 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.01.2025

CORAM

THE HON'BLE MRS. JUSTICE N.MALA

W.P.(MD) No.82 of 2025

R.Raja

... Petitioner

Vs.

- 1.The District Collector,
District Collectorate,
Dindigul.
- 2.The Superintendent of Police,
Dindigul District,
Dindigul.
- 3.The Tahsildar,
Vedasandur Taluk,
Dindigul District.
- 4.The Inspector of Police,
Vadamadurai Police Station,
Vadamadurai,
Dindigul District.
- 5.The Taluk Surveyor,
Vedasandur Taluk,
Dindigul District.
- 6.Chinna Kodeeswaran
- 7.Aswinraj
- 8.Dharuman

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus directing the fifth respondent to conduct survey in the property in Survey No.617/1A with an extent of 0.24.15 Hectares bearing Joint Patta No.2332 of Velvarkottai Village, Vedasandur Taluk, Dindigul District on the basis of the report filed by the Advocate Commissioner in I.A.No.259 of 2023 in O.S.No.138 of 2022 and the compromise decree passed in Lok Adalat in O.S.No.138 of 2022 by the learned Sub-Judge, Vedasandur, based on the petitioner's application dated 13.11.2024 and subsequently, directing the fourth respondent to provide adequate police protection to the fifth respondent to conduct the survey.

For Petitioner : Mr.V.Baskaran

For R1, R3 & R5 : Mr.R.Raghavendran
Government Advocate

For R2 & R4 : Mr.M.Gnanasekaran
Government Advocate

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus directing the fifth respondent to conduct a survey of the property in Survey No.617/1A, measuring an extent of 0.24.15 hectares, bearing Joint Patta No.2332 of Velvarkottai Village, Vedasandur Taluk, Dindigul District, based on the report filed by the Advocate Commissioner in I.A.No.259 of 2023 in O.S.No.138 of 2022 and the



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compromise decree passed in Lok Adalat by the learned Sub-Judge, Vendasandur, in O.S.No.138 of 2022, by considering the petitioner's application dated 13.11.2023. Furthermore, the petitioner prayed for a direction to the fourth respondent to provide adequate police protection to the fifth respondent for conducting the survey.

2. With the consent of both parties, this writ petition is taken up for final hearing at the admission stage itself. 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, provided there is any suppression of material facts by the petitioner.

3. On 13.11.2024, the petitioner applied for the sub-division of the land in Survey No.617/1A, measuring an extent of 0.24.15 hectares in Velvarkottai Village, along with the necessary fees, to the third respondent. On receipt of the same, the fifth respondent issued a notice to all the parties to conduct the survey on 12.12.2023. However, due to the objections raised by the sixth to eighth respondents, the survey could not be conducted. Therefore, the petitioner has filed this Writ Petition for the aforesaid relief.



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WEB COPY 4. This Court, by an order dated 14.06.2024 in W.P. (MD) No. 12676 of 2024, issued certain directions for considering the application for survey and fixing of boundaries. Following the said order, the same directions are issued in this Writ Petition also, and they are as follows:

- i. The petitioner is directed to submit his 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 name. If he 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 the enquiry, objections raised by the adjacent land owners / interested persons shall be considered.
- v. If according to the jurisdictional authority, the objections



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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.
- 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.



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5.The Taluk Surveyor,
Vedasandur Taluk,
Dindigul District.



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N.MALA, J.

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