



W.P.(MD)No.31107 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.31107 of 2024

Arumugasamy

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sattur,
Virudhunagar District.

3. The Thasildar,
Vembakottai Taluk,
Virudhunagar District.

4. The Firka Surveyor,
Vembakottai Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing Writ of Mandamus, directing the respondents to conduct survey as per the Provision contemplated under section 9 and 10 of Tamil Nadu Survey and Boundaries Act, 1923 and to fix boundaries in respect of lands comprised in Survey No. 4/1A3 measuring an extent of 2 acre situated at Surrappatti Village, Sivakasi Sub Registrar District,



W.P.(MD)No.31107 of 2024

Vembakottai Taluk, Virudhunagar District, on the basis of petitioners representation dated 20.11.2024 within a time frame fixed by this Court.'

For Petitioner : M/s.S.Meena

For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

The writ petition has been filed for a direction directing Writ of Mandamus, directing the respondents to conduct survey and fix boundaries of the lands comprised in Survey No. 4/1A3 measuring an extent of 2 acre in Surrappatti Village, Sivakasi Sub Registrar District, Vembakottai Taluk, Virudhunagar District, within a time frame to be fixed by this Court.

2. The subject property originally belonged to one Periya Karupasamy Kudumban. The said Periya Karupasamy Kudumban executed a sale deed dated 29.07.1983 in favour of the petitioner's father to an extent of two cents out of total extent of 2 acres and 16 cents i.e 3/8 share. Even since the purchase, the petitioner's father was in possession and enjoyment of the portion of the subject property. Even patta was also mutated. The petitioner's father was issued joint patta in Patta No.387, with respect to the subject lands on 16.11.2010. The petitioner's father passed away leaving behind the petitioner, his sister and brothers as his legal heirs. The petitioner in order to obtain individual patta



W.P.(MD)No.31107 of 2024

applied to the respondents for survey and demarcation of the four boundaries of the property on 13.11.2024 along with necessary fee. Thereafter, the petitioner sent a representation on 20.11.2024. As no action was taken by the respondents even thereafter, the petitioner filed the above writ petition for the abovesaid relief.

3.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 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.



W.P.(MD)No.31107 of 2024

(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 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,



W.P.(MD)No.31107 of 2024

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.

4. With the aforesaid directions, the Writ Petition stands disposed of. No costs.

22.01.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
CM



W.P.(MD)No.31107 of 2024

To:

1. The District Collector,
Virudhunagar District,
Virudhunagar
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Sattur,
Virudhunagar District.
3. The Thasildar,
Vembakottai Taluk,
Virudhunagar District.
4. The Firka Surveyor,
Vembakottai Taluk,
Virudhunagar District.



WEB COPY



W.P.(MD)No.31107 of 2024

N.MALA, J.

CM

W.P.(MD)No.31107 of 2024

22.01.2025