



W.P.(MD)No.30995 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.30995 of 2024

Zakaria

... Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Tirunelveli District.
2. The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli City, Tirunelveli District.
3. The Tashildar,
Palayamkottai Taluk Office,
Palayamkottai Taluk,
Tirunelveli District.
4. The Head Surveyor,
Palayamkottai Taluk Office,
Palayamkottai Taluk,
Tirunelveli District.
5. The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City, Tirunelveli District.

6. Selvam

7. Andi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 4th respondent to survey and fix boundary stones with relation to the property comprised in Old Survey No. 104/AB, T.S.Ward 5, Block 20, T.S.No. 2286/1 and New Survey No. 47/6,



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Block No.20, Ward No.2, located in Melapalayam, Tirunelveli Town, Palayamkottai Taluk, Tirunelveli District, as per the Tamil Nadu Survey and Boundaries Act, 1923, and also the respondents 2th and 5th to provide the necessary protection to respondents 6th to 7th while discharging their duties Old Survey No. 104/AB T.S.Ward 5, Block 20, T.S.No. 2286/1 and New Survey No. 47/6, Block No.20, Ward No.2, to an extent of 0-14-97.0 are situate at Melapalayam, Tirunelveli Town, Palayamkottai Taluk, Tirunelveli District as per the petitioner's title deed and revenue records on the basis of the petitioner's representation dated 19.09.2024.

For Petitioner : Mr.P.Rajkumar
For R1 to R5 : Mr.R.Raghavendran
Additional Government Pleader

ORDER

The writ petition has been filed for a writ of mandamus directing the fourth respondent to survey and fix boundary stones with relation to the property comprised in Old Survey No. 104/AB, T.S.Ward 5, Block 20, T.S.No. 2286/1 and New Survey No. 47/6, Block No.20, Ward No.2, located in Melapalayam, Tirunelveli Town, Palayamkottai Taluk, Tirunelveli District, as per the Tamil Nadu Survey and Boundaries Act, 1923, and for a consequential direction to the respondents 2 to 5 to provide the necessary protection to respondents 6 and 7 while discharging their duties.

2. The petitioner's father executed a settlement deed in favour of the petitioner on 02.08.2022, with respect to the subject property in S.Nos.104/AB



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T.S.Ward 5, Block 20, T.S.No.2286/1 & new Survey No.47/6, Block No.20, Ward No.2, Melapalayam, Tirunelveli Town, Palayamkottai Taluk, Tirunelveli District. The petitioner in order to earmark and fix four boundaries of his property submitted an application along with necessary fee on 30.07.2024. As no action was taken, the petitioner submitted a detailed representation on 19.09.2024 and even thereafter, no action was taken. Therefore, the petitioner filed the above writ petition for the aforesaid 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



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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.

(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



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mandated to grant police protection.

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(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.

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



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N.MALA, J.

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