



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.01.2025**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NO.2191 OF 2025

Arul Dhamas

: Petitioner

.VS.

1.The District Collector,
Collectorate,
Sivagangai.

2.The Additional Director,
Survey and Land Records,
Collector Office Old Building,
Sivagangai.

3.The Tahsildar,
Illayangudi,
Illayangudi Taluk,
Sivagangai District.

:Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the Petitioner's representation addressed to the first respondent, dated 2.9.2024 to survey the land in S.No. 124/3A and 124/3B of Ulagamaniyanenthal Village, Nagarakudi Group, Illayangudi Taluk, Sivagangai District and to erect survey stones within the time stipulated by this Court.

For Petitioner

:Mr.M.Gurudas

For Respondents
1 to 3

:Mr.A.Kannan,
Addl.Govt.Pleader

**ORDER**

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This Writ Petition is filed for a Writ of Mandamus directing the respondents to consider the Petitioner's representation, dated 2.9.2024 to survey the lands in S.No.124/3A and 124/3B of Ulagamaniyanenthal Village, Nagarakudi Group, Illayangudi Taluk, Sivagangai District.

2.Mr.A.Kannan, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The Petitioner states that the subject properties are ancestral properties of the Petitioner's father and Petitioner's father was issued patta in Patta No.935. After demise of his father, the Petitioner was in continuous enjoyment and possession of the said properties. In recognition of his possession and enjoyment, the Petitioner was issued patta in Patta No.2074. Since some of the neighbouring land owners disturbed the Petitioner's father, the Petitioner's father's possession, decided to survey and measure the above said lands and to fix the boundaries of the same so as to identify his property. The Petitioner's father applied for survey and demarcation of boundaries on 28.11.2025 along with necessary



fees. As no survey was conducted, the Petitioner applied for survey on 3.9.2021 along with necessary fees. Even thereafter, no action was taken. Again the Petitioner submitted his application through online on 30.8.2024. As no action was taken even thereafter, the Petitioner sent representation to the first respondent on 2.9.2024, who in turn forwarded the Petitioner's application to the second respondent to take action on or before 2.10.2024. In spite of the same, no action was taken and therefore, the Petitioner was constrained to file the above Writ Petition for the aforesaid relief.

4. The learned Additional Government pleader appearing for the respondents 1 to 3, on instructions from the third respondent, submitted that the survey is going to be conducted on 1.2.2025 and therefore, reasonable time may be granted for completing the survey.

5. In view of the submissions of the learned Additional Government Pleader, a direction is issued to the third respondent to conduct the enquiry as per the following directions.

6. 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.



7.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.

(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.



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(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, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the direction of



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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 six 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.

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

30.01.2025

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

To

- 1.The District Collector,
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- 2.The Additional Director,
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N.MALA, J.

vsn

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