

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.NO.4118 OF 2003

S.Santhi

... Petitioner

Vs.

the British, the area was ruled by local Maharajas. It was a practice of the Maharajas to undertake tours to meet their subjects. The Maharaja would stop in front of the house of a prominent person in the locality and hear grievances of his subjects. In order to facilitate that, shelters, called KORADU in Tamil, were built on thoroughfares for the Maharaja's retinue to stop for hearing grievances and for receiving respects. Such a Koradu, measuring about 7 ½ feet x 52 feet was in existence in the thoroughfare abutting the house of Sabtharishi Sastrigal.

2. Sabtharishi Sastrigal made an application to the Survey Court, that was created by the British to decide cases relating to boundaries, claiming that the Koradu should be made as part and parcel of his property. It appears that an order was passed on 31.08.1922 by the Survey Officer in which the Koradu was separated from Street Field No.40 and was included with the house of Sabthar

Government Pleader for the respondents.

8. Today, Mr.G.Paul Thilagar, Deputy Surveyor, Thittakudi Taluk, Cuddalore District is also present in the Court with the necessary files.

9. Mr.D.Shivakumaran, learned counsel for the petitioner submitted that the authorities ought not to have excluded the Koradu from the property of the petitioner, inasmuch as the Koradu was treated as part of Sabtharishi Sastrigal's property by the order of the original Survey Court dated 31.08.1922. Therefore, he submitted that, without even hearing the petitioner, who had purchased the property from Sabtharishi Sastrigal's son, the authorities ought not to have included the Koradu as belonging to the Highways Department. He also submitted that in the teeth of the exparte decree in O.S.No.70/1999, the action of the respondents is illegal.</

survey officer shall notify the fact in the District Gazette and a copy of such notification shall be pasted in the village chavadi, if any, of the village to which the survey relates; unless the survey so notified is modified by a decree of Civil Court under the provisions of Section 14, the record of the survey shall be conclusive proof that the boundaries determined and recorded therein have been correctly determined and recorded."

Section 14 of the Tamil Nadu Survey and Boundaries Act, 1923, reads as follows:

"14. Institution of a suit in Civil Court within three years to establish rights claimed in respect of the boundary of the property surveyed. - Any person deeming himself aggrieved by the determination of any boundary under section 9, 10, 11, 12-A or 12-B may, subject to the provisions of Parts II and III of the Indian Limitation Act, 1963 (Central Act 36 of 1963) institute a suit

16. In the result, the writ petition is devoid of merits and accordingly, the same stands dismissed. No costs.

s/d-
Assistant Registrar (CCC)

//True Copy//

Sub-Assistant Registrar

To

1. The Assistant Director
Land Survey Records Department
Cuddalore.
2. The Revenue Divisional Officer
Cuddalore.
3. The Tahsildar
Thittakudi.
4. The Superintending Engineer
Highways Department
Thittakudi