

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2018

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.28850 of 2017
and
W.M.P.No.31066 of 2017

S.Kandasamy

... Petitioner

vs.

1. The Revenue Divisional Officer,
Nannilam.
2. The Tahsildar,
Nannilam Taluk,
Nannilam
3. The Asst.Director (Survey),
District Survey Office,
Thiruvavarur.
4. The Head Surveyor,
Nannilam.
5. R.Govindaraj

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus by directing the respondents 1 to 4 to consider the representation preferred by the petitioner dated 06.08.2015 in the light of Section 10 of Tamil Nadu Survey & Boundaries Act, 1923.

For Petitioners: Mr. M. Venkadeshan

For Respondents: Mr.R.S.Selvam for R1 to R4
Government Advocate.
: Mr.G.Rajan for R5

O R D E R

The relief sought for in this writ petition is to direct the respondents 1 to 4 to consider the representation preferred by the petitioner dated 06.08.2015 in the light of Section 10 of Tamil Nadu Survey & Boundaries Act, 1923.

2. The grievance of the writ petitioner is that, the 5th respondent encroached the property belongs to the writ petitioner. The learned counsel appearing on behalf of the

writ petitioner states that, if the representation submitted by the writ petitioner is considered, then the Surveyor will measure the land and accordingly, the parties have to accept the same.

3. Such a proposition mooted out by the learned counsel for the writ petitioner is impracticable. Once the infringement of Civil rights are raised between the parties then the parties shall approach the Civil Court of Law to adjudicate all such disputes. Measurement taken by the Surveyor cannot provide a solution for such encroachment of lands encroached by the private persons.

4. The grievances of the writ petitioner and the allegations raised are certainly serious and infringement for the rights of the writ petitioner. Thus all such issues ought to be resolved by approaching the Civil Court of Law by producing documents and adducing evidences in respect of the measurement of land through an approved Surveyor.

5. The writ petitioner in the event of preferring the Civil suit shall file an interlocutory application for such measurement or for inspection etc., This being the principles to be followed, those disputes in respect of the encroachment of the property belongs to the writ petitioner by the respondent cannot be resolved in the present writ petition filed under Article 226 of the Constitution of India.

6. Accordingly, petitioner is at liberty to approach the Civil Court of Law for redressal of these grievances and accordingly the writ petition stands dismissed. No Costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

pkn

To

1. The Revenue Divisional Officer,
Nannilam.

2. The Tahsildar,
Nannilam Taluk,
Nannilam

3. The Asst.Director (Survey),
District Survey Office,
Thiruvavarur.

4. The Head Surveyor,
Nannilam.

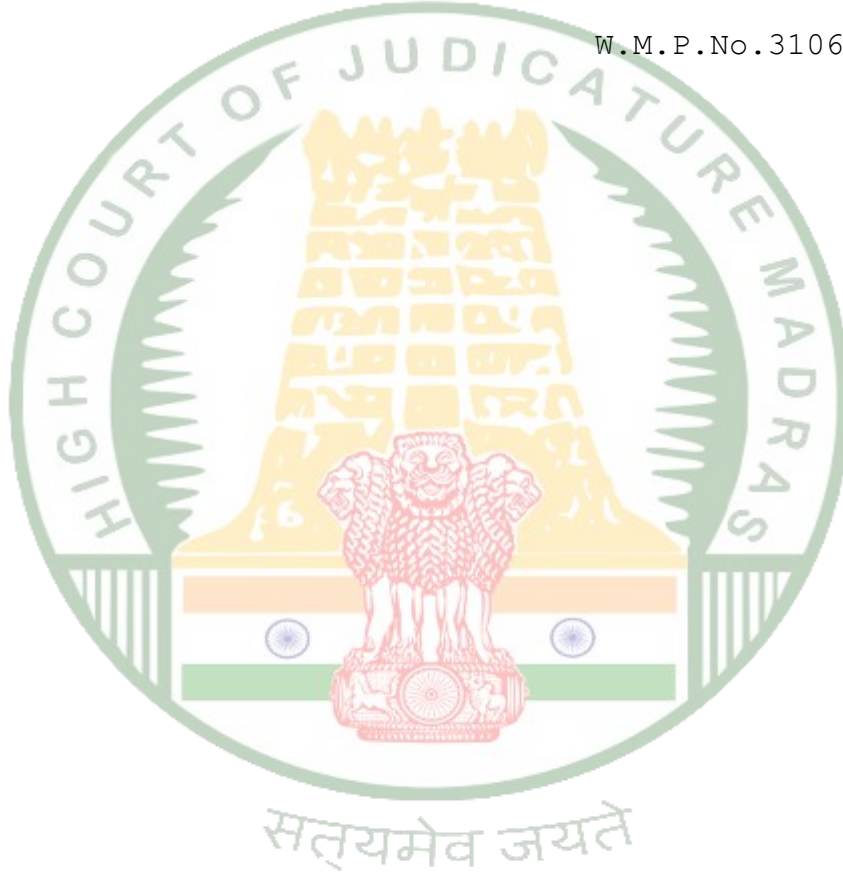
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sm:25.9.2018

W.P.No.28850 of 2017

and

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