



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 13.03.2018
CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD).No.2687 of 2018
and
W.M.P.(MD).No.2862 of 2018

S.Mallika ... Petitioner
Vs.

- 1.The Chief Secretary,
Revenue Department,
Fort St.George,
Chennai-600 009.
- 2.The Director of Land Survey,
Survey and Settlement Department,
Land Survey House,
Cheppak, Chennai-600 005.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The Assistant Director (Land Survey)
Tirunelveli.
- 5.The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.
- 6.The Block Development Officer,
(Village Panchayat)
Kasitharman, Kadayanallur Taluk,
Tirunelveli District.

7.S.R.Ayyadurai ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 4th respondent to rectifying the mistake of measurement mentioned in FMB in respect of S.No.303/4, situated at Kasitharman Village, Kadayanallur Taluk, Tirunelveli District in consonance with FMB shown in respect of S.No.43, Kasitharman Village, Kadayanallur Taluk and further forbearing by considering the petitioner's representation datead



18.09.2017 and further forbearing the 5th respondent from taking action of removal of alleged encroachment in S.No.303/4, Kasitharman Village, mentioned in the commissioner plan till disposal of the representation dated 18.09.2017.

WEB COPY

For Petitioner : Mr.K.Esakki
For R1 to R5 : Mr.D.Muruganandam
Addl. Government Pleader
For R6 : Mr.Karuppasamy Pandian
For R7 : Mr.G.Karnan

O R D E R

[Order of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.K.Esakki, learned counsel appearing for the petitioner, Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents 1 to 5, Mr.Karuppasamy Pandian, learned counsel appearing for the 6th respondent and Mr.G.Karnan, learned counsel appearing for the 7th respondent.

2.The petitioner seeks for a direction to the fourth respondent to rectifying the mistake of measurement mentioned in FMB in respect of S.No.303/4, situated at Kasitharman Village, Kadayanallur Taluk, Tirunelveli District in consonance with FMB shown in respect of S.No.43, Kasitharman Village, Kadayanallur Taluk and further forbearing by considering the petitioner's representation dated 18.09.2017 and further forbearing the 5th respondent from taking action of removal of alleged encroachment in S.No.303/4, Kasitharman Village, mentioned in the commissioner plan.

3.We have heard the learned counsel for the petitioner elaborately and took note of various orders passed in several writ petitions some of which have been filed by the petitioner and some filed by the 7th respondent. The photographs which have been produced before this Court clearly show that the petitioner has encroached into the Government property. Earlier, when the petitioner approached this Court alleging that proper survey was not conducted, this Court appointed an Advocate Commissioner and with the help of District Surveyor and the survey was to be conducted. Now, the petitioner seeks to dispute the correctness of the measurement in the sketch filed by the Advocate Commissioner. The survey was conducted in the presence of the petitioner and the petitioner's daughter appears to be the President of Panchayat. The photographs which have been produced before this Court show that the existing compound wall has been removed and the pillars have been erected virtually on the road, the construction has been done and new construction has now merged with the old existing house. Thus, the allegation that there is a mistake in the measurement mentioned in the field map book cannot be genuine one.

4.FOR the above reasons, the writ petition fails and stands dismissed. The petitioner is granted three weeks time to remove the



encroachment, failing which, the respondent official shall remove the same and recover the cost from the petitioner. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

/True Copy/

Sub Assistant Registrar

To

1. The Chief Secretary,
Revenue Department,
Fort St. George,
Chennai-600 009.
2. The Director of Land Survey,
Survey and Settlement Department,
Land Survey House,
Cheppak, Chennai-600 005.
3. The District Collector,
Tirunelveli District,
Tirunelveli.
4. The Assistant Director (Land Survey)
Tirunelveli.
5. The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.
6. The Block Development Officer,
(Village Panchayat)
Kasitharmam, Kadayanallur Taluk,
Tirunelveli District.

+1cc to Special Government Pleader, SR.No. 55134
+1cc to M/S.K.Esakki, Advocate SR.No. 54987
+1cc to M/S.G.Karnan, Advocate SR.No. 54789

W.P. (MD) .No.2687 of 2018

and

W.M.P. (MD) .No.2862 of 2018

13.03.2018

ns