



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE **V.PARTHIBAN**

W.P. (MD)No.2063 of 2021

WEB COPY

Katturaja

... Petitioner

- Vs -

The Additional Director of
Survey and Land Records [Survey],
Survey House, Chepauk,
Chennai - 600 005.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondent herein to consider and dispose of the petitioner's second appeal dated 21.11.2020 filed under Section 12A of the Tamil Nadu Survey and Boundaries Act, 1923, along with the amended copy of second appeal dated 19.01.2021 within a stipulated period fixed by this Court.

For Petitioner : Mr.A.Saravanan

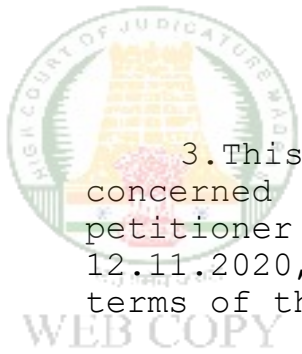
For Respondent : Mr.M.Thilagar

Government Advocate

ORDER

The case of the petitioner is that he was issued with a house site patta on 08.08.1991 in Old Survey No.495/6B9, New Survey No.495/12, measuring to an extent of 0.0061.0 Hectares in the Village of Thambattamalaipatti, Urankanpatti Panchayat, Melur Taluk, Madurai District, by the Special Tahsildar. The adjacent site owner of the petitioner owned a property in Survey No.495/22, 20-19, in the same village approached the Tahsildar for measuring and survey of the land under his occupation. The survey date was fixed on 20.08.2020. A copy of the notice was also issued to the petitioner and the petitioner raised due objection to re-survey.

2.However, without taking into account the objections of the petitioner, the adjacent owner had raised fence over and above the extent of the property for which he is entitled to enjoy, and prevented the petitioners and others from using the approach road to access their respective properties. Therefore, the petitioner sent an appeal on 06.09.2020 to Assistant Director of Survey and Land Records/Personal Assistant (Survey) to the Collector seeking to cancel the survey and for ordering of re-survey. The petitioner simultaneously approached this court in W.P.(MD)No.12348 of 2020 seeking issue of mandamus to cancel the survey conducted and for conduct of survey afresh.



3.This Court, by order dated 23.09.2020, directed the authority concerned to dispose of the appeal dated 06.09.2020. However, the petitioner is once again aggrieved by the fresh survey conducted on 12.11.2020, as the survey was not conducted properly once again in terms of the direction of this Court.

4.In the above circumstances, the petitioner appears to have filed a second appeal on 21.11.2020 and according to the petitioner, once again the survey was conducted on 18.12.2020 which was not to the satisfaction of the petitioner, as according to him that repeatedly the survey has been conducted improperly against the interest of the petitioner. The petitioner, therefore, filed an amended second appeal dated 21.11.2020 and presented the same on 19.01.2021. Since no order has been passed in the re-presented the appeal, the present Writ petition has been filed.

5.From the above narrative, it could be seen that this Court has already issued direction to the authorities concerned to re-survey the land and in case, the petitioner is aggrieved once again by the improper re-survey of the land, it is open to him to workout his remedy in the manner known to law. This Court cannot be issuing directions after directions ordering the authority to re-survey the land again and again to the satisfaction of the petitioner. Such repeated attempts by the petitioner amounted to belittling the constitutional jurisdiction of this Court in issuing directions for the asking of the petitioner repeatedly.

6.The petitioner if not satisfied with the survey, re-survey of the lands in question, it is always open to him to avail the remedies contemplated under the relevant Act and it is certainly not open to the petitioner to seek for issue of mandamus repeatedly from this Court. Therefore, this Court is of the view that the Writ Petition is a gross abuse of process of Court and is liable to be dismissed and therefore, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

SRM



To

The Additional Director of
Survey and Land Records [Survey],
Survey House, Chempauk,
Chennai - 600 005.

+1 CC to M/s.A.SARAVANAN, Advocate (SR-3665[F] dated 08/02/2021)

+1 CC to M/s.GP (SR-3963[F] dated 09/02/2021)

W.P (MD) No.2063 of 2021
05.02.2021

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