



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.7645 of 2021

Dr.Manasi

...Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Revenue Department, Secretariat,
Chennai-600 009.

2. The Commissioner of Survey and Settlement,
PWD Estate, Chepauk, Triplicane, Chennai-600 005.

3. The Assistant Director of Survey and Land Records,
Collector's Officer,
Thoothukudi.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent i.e., the Additional chief Secretary to Government, Revenue Department, Chennai, to issue suitable instructions to the Assistant Director of Survey and Land Records, Thoothukudi, regarding measurement of the land in question i.e., S.No.66/1A of Korampallam 1st part, Thoothukudi District for settlement of the dispute, within a specified time frame that may be fixed by this Court.

For Petitioner : Mr.S.Visvalingam

For Respondents : Mr.P.Mahendran

Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the first respondent to issue necessary instructions to the third respondent to conduct a survey in the subject property and to fix the boundaries.

2. The case of the petitioner is that she is the owner of the subject property and she was also granted patta. One V.Anandaraj, who is an adjacent land owner, seems to have encroached upon the property of the petitioner.

3. The petitioner submitted an application and sought for the survey of the subject property and for fixing the boundaries.



The survey was also conducted. The petitioner is not satisfied with the survey conducted by the Authorities belonging to the subordinate level and according to her, they are acting hand in glove with the above said V.Anandaraj. The petitioner wanted a survey to be conducted by a higher level Authority at the rank of Assistant Director of Survey and Land Records. The petitioner made a representation to that effect and the third respondent by his letter dated 02.02.2021 made it very clear that such a survey cannot be conducted by the third respondent and the Rules specifically designate only specified officers to conduct such a survey.

4. The petitioner was not satisfied with his reply and she made a representation to the Commissioner of Survey and Land Records. The said Authority by a letter dated 18.02.2021 requested the third respondent to take a decision and inform about the same.

5. The petitioner is aggrieved by the fact that her subsequent representation has not been acted upon and a fresh survey has not been conducted and that she is directed to go before the competent Civil Court to agitate her rights. Therefore, the petitioner has approached this Court seeking for a direction to the first respondent to designate an officer not less than the rank of Assistant Director of Survey and Land Records to conduct the survey.

6. Heard Mr.S.Visvalingam, learned counsel appearing for the petitioner and Mr.P.Mahendran, learned Additional Government Pleader appearing on behalf of the respondents.

7. In the considered view of this Court, the survey has already been conducted by the Officials, who are authorized to conduct such a survey. According to the petitioner, the above said V.Anandaraj has removed the boundary stones and encroached into the property. The petitioner, therefore, wants a higher level officer to conduct the survey. Such a request made by the petitioner is not sustainable, since the third respondent has already made it clear that no such survey can be conducted as requested by the petitioner and only designated officers can conduct survey. That apart, if the above said V.Anandaraj has already encroached upon the property, the proper forum for the petitioner to agitate her rights would be the Civil Court and the Revenue Authorities will not have any role to play. It seems that the petitioner has already been advised to approach the appropriate Civil Court and the petitioner is not willing to take this advice.

8. Taking into consideration the totality of the facts and circumstances of this case, this Court is of the view that the petitioner has to necessarily agitate her rights only before the competent Civil Court. The relief as sought for by the petitioner cannot be granted by this Court. It is left open to the petitioner to raise all the objections and make her claim before the competent



Civil Court.

costs.

9. The Writ Petition stands disposed of accordingly. No

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

tsg

To

1. The Additional Chief Secretary to Government,
Revenue Department, Secretariat,
Chennai-600 009.
2. The Commissioner of Survey and Settlement,
PWD Estate, Chepauk, Triplicane, Chennai-600 005.
3. The Assistant Director of Survey and Land Records,
Collector's Officer,
Thoothukudi.

+1 CC to M/s.SPL GP (SR-15611[F] dated 09/04/2021)

+1 CC to M/s.S.VISVALINGAM, Advocate (SR-15712[F] dated 09/04/2021)

Order made in

W.P. (MD) .No.7645 of 2021

Dated:

08.04.2021

RK (19.04.2021) 3P 6C