



W.P.No.14916 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.14916 of 2013

and

W.P.M.P No.1 of 2013

P.Rajalakshmi

... Petitioner

Vs

1. The District Collector
Empowered Authority under
Tamil Nadu Survey and
Boundaries Act, 1923
Collectorate, Coimbatore-641 018.
2. The Assistant Director
Land Survey and Survey Records
Collectorate
Coimbatore-641 018.
3. The Block Development Officer
Sulur Panchayat Union
Sulur-641 402.
Coimbatore District.
4. The President
Arasur Panchayat
Arasur-641 407.
Coimbatore District.



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5. The Chief Engineer (Distribution)
Coimbatore Electricity Distribution Circle
Tamil Nadu Generation and Distribution
Corporation Ltd., Tatabad
Coimbatore-641 012.
6. The Highway Administration (HA)/
Rep. by the Deputy General Manager(DYGM)
Project Director (PD)
National Highway Authority of India
Old No.28/1, New No.51/2
Krishnasamy Nagar
Ramanaathapuram
Coimbatore-641 045.
7. M/s.IVRCL Assets & Holdings Ltd.,
M22/3 RT, Vijayanagar Colony
Hydrabad-500 057
Andhra Pradesh

... Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the respondents 1 and 2 to take steps to have the land in SF No.89/1 in Arasur Village, Suler Taluk of Coimbatore District, surveyed, measured, exact and lawful extent together with its boundaries and their marks restored on all four sides as per the revenue records, after removal of all obstructions created in S.F.No.89/1 in consequence to the formation of the illegal trench on the service road in S.F No.89/2 for keeping the sewage stagnation, by considering the petitioner's representation dated 04.05.2013.



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For Petitioner : M/s.N.Manokaran
For Respondents : Mr.K.M.D.Muhilan for R1 to R3
Additional Government Pleader

Mr.B.Anand for R4

Mr.L.Jaivenkatesh for R5

Mr.K.Vishal
for M/s. Wilson Associates for R6

Mr.P.J.Rishikesh for R7

ORDER

This Writ Petition has been filed, directing the respondents 1 and 2 to take steps to have the land in SF No.89/1 in Arasur Village, Suler Taluk of Coimbatore District, surveyed, measured, exact and lawful extent together with its boundaries and their marks restored on all four sides as per the revenue records, after removal of all obstructions created in S.F.No.89/1 in consequence to the formation of the illegal trench on the service road in S.F No.89/2 for keeping the sewage stagnation, by considering the petitioner's representation dated 04.05.2013.



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2. It is the case of the petitioner that while extending the highways, the 6th and 7th respondents diverted the drainage system and also stocked all the debris in the patta land of the petitioner and thereby, the entire boundaries of the petitioner's land have been changed. Therefore, she seeks to survey and fix correct boundaries to the petitioner's land, besides a direction to remove the debris and also compensation.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that the boundaries were properly fixed and now, there is no issues.

4. I have perused the entire records and the photographs.

5. Though some debris have been thrown in the field which is said to be belonged to the petitioner, this Court is of the view that the same does not warrant a direction to the respondents 1 and 2 to remove the debris and pay compensation.



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6. In such view of the matter, this Court is of the view that if the boundary line is properly fixed in a proper survey conducted by the 2nd respondent, viz., The Assistant Director, Land Survey and Survey Records in the presence of all the parties, the same will give quietus to the entire issue.

7. Accordingly, the writ petitioner shall submit an application for surveying her land, to the 2nd respondent viz., The Assistant Director, Land Survey and Survey Records, Coimbatore, within a period of one month from today and on receipt of such application, the 2nd respondent is directed to depute a Surveyor to measure the subject property and fix the boundaries as per the revenue records and documents in the presence of the petitioner, 5th respondent and also other respondents, within a period of fifteen days after collecting necessary charges. The concerned Tahsildar shall monitor the survey process. Notice of survey shall be issued to the parties concerned.



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8. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

Web: Yes/No

Speaking/Non Speaking
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To

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