



W.P.(MD)No.710 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.710 of 2022

K.Samidoss

... Petitioner

Vs.

1.The Assistant Director of Surveys,
Sivagangai.

2.The Tahsildar,
Ilayankudi.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to rectify the error of measurement related in Survey No.67/3B1A, Kalaikulam Group, Ilayankudi Taluk, Sivagangai District within the time stipulated by this Court and granting such other and further relief.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.G.Sivaraja

Government Advocate

ORDER

Heard the learned counsel on either side.



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2. The petitioner states that even though as per patta, he is entitled to 10 cents of land, FMB erroneously shows the extent only as 8 cents. The petitioner wants the said error in measurement in the FMB to be corrected.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that even after making several measurements, the authorities are able to conclude that there are only 8 cents on ground available. It is quite possible that the petitioner's land had been encroached by the adjacent land owners. If that be so, remedy open to the petitioner is to file only a suit for demarcation or suit for declaration with consequential reliefs.

4. Leaving open the petitioner's rights, the Writ Petition is disposed of. No costs.

21.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN,J.

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