



W.P(MD)No.2190 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.2190 of 2023

M.Arulananthu

... Petitioner

Vs

1.The District Collector,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Tiruvadanai,
Ramanathapuram District.

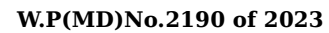
3.The District Surveyor,
Ramanathapuram District.

4.The Block Development Officer,
Tiruvadanai,
Ramanathapuram District.

5.The Panchayat President,
Kookudi Panchayath Office,
Kookudi Village,
Tiruvadanai,
Ramanathapuram District.

6.Arokiyadoss @ jeyamadavan

...Respondents



For Petitioner	: Mr.Aayiram K.Selvakumar
For R1 to R4	: Mr.M.Sarangan Additional Government Pleader
For R5	: No appearance
For R6	: Mr.S.Malaikani

The petitioner with a grievance that the respondents have not conducted the survey in the petitioner's land properly and permitted encroachments in a water body, thereby, preventing this petitioner to have an access to his land has filed this writ petition for a Mandamus, directing the respondents to resurvey and fix the boundaries in the land in S.No.31/8, Adi Dravidar Keel Kudiyiruppu, Nedumaran Village, Thiruvadanai Taluk, Ramanathapuram District.



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2.The learned counsel appearing for the petitioner submits that the private respondents have encroached a portion of the water body in S.No.31/8 and therefore, the petitioner in an earlier round of litigation has filed a writ petition in WP(MD) No. 10375 of 2021 and this Court has disposed of that writ petition with a direction to the respondents to remove the encroachments in accordance with law within a stipulated time. Now the grievance of the petitioner is that they have removed a portion of the encroachments and it was not removed totally. Hence, the petitioner has insisted for resurvey of the subject land by the officials in the presence of a District level officer and also in the presence of an Advocate Commissioner.

3.The learned Additional Government Pleader on instructions submits that based on the earlier order of this Court, the survey was conducted on 23.03.2023 and encroachments have been identified and it was removed. According to the learned Additional



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Government Pleader, the survey was conducted by a Firka Surveyor in the presence of the AD Survey. The respondents have also identified that the petitioner has encroached a portion of the land and the same was also ordered to be removed. Hence, there is no necessity for conducting re-survey.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.The grievance of the petitioner is that the survey said to have been conducted on 23.03.2023 was conducted in the absence of the petitioner. Hence, he insisted for re-survey in the presence of an Advocate Commissioner. The petitioner has already paid a sum of Rs.800/- towards survey fees along with his application. Yet another ground raised by the petitioner is that in view of the encroachments, he is not in a position to transport his agricultural produce from his land.



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6.In view of the above, this writ petition is disposed of with a direction to the respondents to conduct the survey in the subject land in the presence of the petitioner, within a period of six weeks from the date of receipt of a copy of this order. No costs.

22.08.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.2190 of 2023

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