



W.A.(MD)No.1747 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)No.1747 of 2023

and

C.M.P.(MD)No.13303 of 2023

S.P.Mayan

... Appellant / 3rd party

Vs.

1.M.Vijaya

2.The District Collector,
Collectorate, Theni District.

3.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Periyakulam, Theni District.

4.The Tahsildar,
Taluk Office, Periyakulam,
Theni District.

5.The Taluk Surveyor,
Periyakulam Taluk Office,
Periyakulam, Theni District.

... Respondents



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed in W.P.(MD)No.13867 of 2023, dated 12.06.2023 on the file of this Court.

For Appellant : Mr.M.Jerin Mathew
For R2 to R5 : Mr.S.Kameswaran,
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

The order dated 12.06.2023 passed in W.P.(MD)No.13687 of 2023 is under challenge in the present intra-Court appeal filed by a third party, who was not the respondent in the original Writ Petition.

2.The apprehension of the appellant is that the Government Surveyors are initiating action to survey the private property, where there are objections and civil suits instituted are pending before the competent civil Court of law.

3.We are of the considered opinion that the Government Surveyors are empowered to conduct a survey in respect of the Government lands as per the revenue records by invoking the provisions of the Tamil Nadu Survey and



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Boundaries Act, 1923. There is no impediment to conduct survey of the Government properties and fix boundaries under the provisions of the said Act. As far as the private lands are concerned, as rightly pointed out by the learned counsel for the appellant, the parties may resolve the issues through competent civil Court of law in the civil suit already instituted in O.S.No.07 of 2022 on the file of the District Munsif Court, Periyakulam.

4.With this clarification, this Writ Appeal stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (V.L.N., J.)
06.10.2023

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

Yuva

To

- 1.The District Collector,
Collectorate, Theni District.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Officer,
Periyakulam, Theni District.

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AND

V.LAKSHMINARAYANAN, J.

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