



WP(MD)No.19782 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.19782 of 2014

and

MP(MD)No.1 of 2014

S.Fathima Mary

... Petitioner

v.

- 1.The District Collector,
Collectorate Building,
Dindigul District.
- 2.The District Surveyor,
Collectorate Building,
Dindigul District.
- 3.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul District.
- 4.The Inspector of Police,
Sanarpatti Police Station,
Dindigul East Taluk,
Dindigul District.
- 5.The Tahsildar,
Dindigul East Taluk,
Dindigul District.



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6.Michael

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the first respondent to survey the land of the petitioner at S.No.55/1A situated at Thavasimadai, Thavasimadai Village, Dindigul East Taluk, Dindigul District and fix the boundary stones with adequate police protection with the assistance of the respondents 3 & 4, within a stipulated time limit.

For Petitioner : Mr.S.Rajasekar

For Respondents : Mr.J.K.Jeyaseelan
Government Advocate
for R.1 to R.5

ORDER

The petitioner filed this writ petition for a mandamus directing the first respondent to survey the land of the petitioner in S.No.55/1A, Thavasimadai Village, Dindigul East Taluk, Dindigul.

2.The writ petition was filed in the year 2014 and is pending without any progress. Therefore, this Court by order dated 07.03.2023 directed the second respondent / District Surveyor, Dindigul, to complete the survey based



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on the revenue records on 23.03.2023 and also directed the petitioner and the private respondent to be available at the time of survey.

3.Today, learned Government Advocate filed a report of the District Surveyor dated 24.03.2023 that they have measured the property on 23.03.2023 in the presence of the parties and fixed the boundaries. A copy of the survey report was also furnished to the petitioner's Counsel.

4.Learned Counsel for the petitioner submitted that the petitioner is still having grievance with regard to the manner in which the measurements have been taken and therefore, he is intending to prefer an appeal as provided under Section 11 of the Tamil Nadu Survey and Boundary Act, 1923.

5.Section 9 of the Tamil Nadu Survey and Boundary Act empowers the Survey Officer to determine the boundary and record an undisputed boundary and Section 10 of the Act empowers the Survey Officer to determine the boundary and record a disputed property. Section 11 of the Act provides for appeal as against the orders passed under Section 9 & 10 of the Act.



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6. Since a statutory appeal remedy is provided under the Act, it is open to the petitioner to work out his remedy in the manner known to law. Insofar as the present writ petition is concerned, since the relief sought for has been granted and the survey has been conducted, no further order is required to be passed and this petition is accordingly, closed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No

30.03.2023

NCC : Yes / No

gk

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B.PUGALENDHI, J.

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