



W.P.(MD)No.20675 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20675 of 2023 and
WMP(MD) No.17105 of 2023

Ravichandran

... Petitioner

Vs

1.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

2.The Firka Surveyor,
Office of the Tahsildar,
Thiruvadanai,
Ramanathapuram District.

3.The Panchayat President,
Koogudi Panchayat,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the



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second respondent to cause the survey being done on its entirety upon the full extent of the properties situated in Survey No.45/5 and 47/1, Panichakudi Group, Mangalakudi Sub Division, Thiruvadanai Taluk, Ramanathapuram District on the strength of the petitioner's representation dated 19.08.2023.

For Petitioner : Mr.R.Anand
For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner with a grievance on the steps taken by the second respondent in respect of the property in Survey No.45/5 and 47/1, Panichakudi Group, Mangalakudi Sub Division, Thiruvadanai Taluk, Ramanathapuram District has filed this writ petition for a Mandamus, directing the second respondent to cause survey of full extent of the above property.

2.The case of the petitioner is that the above land belongs to the petitioner and he is doing agriculture in that land. Adjacent to his



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property, an Oorani is situated. However, the exact boundary of the Oorani was not earmarked so far. In view of the same, some miscreants have encroached the Oorani. Therefore, the petitioner for the purpose of fixing boundaries of Oorani has approached the first respondent by his representation dated 19.08.2023 for surveying the entirety of the land.

3.The learned counsel further submits that the encroachers have set up the third respondent and has created a representation with antedate as 18.07.2023 as if the third respondent has made a representation for survey of the property in S.No.45/5 and based on that, the respondents are attempting to conduct a survey without covering the entire land, thereby they are intending to protect the encroachers.

4.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents on



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instructions submits that based on the application of the Vice President of the Village, dated 18.07.2023, a survey was conducted on 24.08.2023 at about 10.30 p.m before which, the survey was duly intimated to the petitioner by notice dated 14.08.2023 by the survey officer. After hearing the objections of this petitioner that the measurements have to be taken for both the Survey Nos.45/5 and 47/1, survey was conducted and it was found this petitioner has encroached some extent of land in the Oorani. Hence, necessary orders have been passed and the boundaries have also been fixed.

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

6.The survey officer has conducted the survey under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923. The extent of the boundary which has been identified by the Survey officer can be recorded and the same shall be furnished to the petitioner



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enabling him to work out his remedy before the Appellate Authority under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923.

If the petitioner is still having any grievance that the encroachers are protected by the act of the respondents, it is always open to the petitioner to file a necessary application to remove the encroachers, if any. The respondents are directed to furnish a copy of the order passed by the survey officer to the petitioner within a period of one week from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

25.08.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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