



W.P.(MD)No.20916 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20916 of 2023

Kamaraj

... Petitioner

Vs

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
- 3.The Revenue Inspector,
Thirumayam Taluk,
Pudukkottai District.
- 4.The Surveyor,
Thirumayam Taluk,
Pudukkottai District.
- 5.The Village Administrative Officer,
Samuthiram Village,
Pudukkottai District.



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6.The President,
Samuthiram Village,
Thanjur,
Thirumayam Taluk,
Pudukkottai District -622 201.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, forbearing the respondents 2 to 6, their subordinates, and their servants from in any way of cutting and damaging trees during the event of measuring petitioners agriculture land in survey No. 30 situated at Samuthiram Taluk, Pudukkottai District pursuant to his representation dated 30.06.2022.

For Petitioner	: Mr.B.Sargunam
For R1 to R5	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R6	: Mr.A.Kannan Additional Government Pleader

ORDER

The petitioner is a resident of Thanjore Village, Thirumayam Taluk, Pudukkottai District and he is having a piece of land in S.No.30. His adjacent land owner one Jaya insisted the petitioner to leave some pathway in the petitioner's land and when this



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petitioner has not conceded with her request, she filed a writ petition before this Court in WP(MD) No.24774 of 2022 as if there is an encroachment in the land in S.No.29 of Samthiram Village, Thirumayam Taluk that the land belongs to Nallathambi Oorani. This Court has disposed of that writ petition with a direction to the official respondents to consider the representation of the said Jaya, dated 11.09.2022, in the light of the proceedings of the Tahsildar, Tirumayam in Na.Ka.No.2363/2022/A2, dated 22.09.2022, in accordance with law within a stipulated time. This Court has also passed an order permitting the authorities to remove the encroachments if any, after providing an opportunity to the parties concerned.

2.The learned counsel appearing for the petitioner by referring the order passed by this Court in WP(MD) No.24774 of 2022 submits that the respondents are attempting to cut and remove the trees in the petitioner's patta land also. Therefore, the petitioner has submitted an application on 21.06.2023, before the respondents to



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conduct a survey and fix boundaries for his lands. Under the guise of taking measurement in the petitioner's land, the respondents are attempting to cut and remove the trees in the petitioner's land. Therefore, the petitioner has filed this writ petition for a Mandamus, forbearing the respondents from in any way cut and remove the trees in the petitioner's patta land in S.No.30.

3.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the respondents 1 to 5 submits that the petitioner has encroached the Oorani in S.No.29, which is adjacent to the petitioner's land in S.No.30. Based on the orders of this Court in WP(MD) No.24774 of 2022, they have conducted the survey and have removed the encroachments made in Oorani. He further submits that in order to prevent further course of action, the petitioner has submitted an application to conduct the survey and when the respondents have conducted the survey, the petitioner has prevented by way of a representation dated 25.08.2023 that he will



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measure the land through the Court. Therefore, the survey was not concluded.

4.Considering the rival submissions made, there shall be a direction to the respondents to conduct a survey as directed by this Court for the land in S.No.29 as well as S.No.30, fix boundaries and remove the encroachments, if any made in Oorani. The petitioner is expected to co-operate for the survey, which is supposed to be conducted by the respondents.

5.Accordingly, this writ petition is closed. No costs.

28.08.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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B.PUGALENDHI, J.

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