



W.P.No.3501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3501 of 2024

A.Saniyasi

... Petitioner

versus

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Tahsildar,
Kallakurichi Taluk Office,
Kallakurichi District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent namely the Tahsildar, Kallakurichi District to survey and fix the boundaries of the lands comprised in Survey No.362/13-0.00.38 sq.mt (Patta No.4065) and in Survey No.375/9-0.00.50 sq.mt (Patta No.604) situated at Kallakurichi Town, Taluk and District.

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For Petitioner : Mr.A.G.Rajan
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

Mr.T.Arun Kumar, learned Additional Government Pleader accepts notice for the respondents. With the consent of both parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing the second respondent namely the Tahsildar, Kallakurichi District to survey and fix the boundaries of the lands comprised in Survey No.362/13-0.00.38 sq.mt (Patta No.4065) and in Survey No.375/9-0.00.50 sq.mt (Patta No.604) situated at Kallakurichi Town, Taluk and District.

3.The learned Additional Government Pleader appearing for the respondents submitted that the petitioner has not given the application only



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for conducting survey and fix boundaries of the subject properties and in the said representation he has also requested to find out the encroachment in the subject properties and also to remove the said encroachments. If the subject properties of the petitioner have been encroached by any third parties, the petitioner has to approach the Civil Court for recovery of possession. Without doing so, the petitioner has given a representation for conducting survey and hence, the respondents are nothing to do with the dispute raised by the petitioner.

4. Heard both sides and perused the materials available on record.

5. Considering the facts and circumstances and submissions made by the learned counsel on either side, this Court is of the view that since the ownership and possession of the properties in question is under dispute, which is civil in nature, the relief sought for in this writ petition cannot be



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granted. It is for the petitioner to approach the Civil Court for appropriate remedy.

6. The writ petition is dismissed, accordingly. There shall be no order as to costs.

15.02.2024

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1.The District Collector,
Kallakurichi District,
Kallakurichi.

2.The Tahsildar,
Kallakurichi Taluk Office,
Kallakurichi District.



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P.VELMURUGAN, J.

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