



W.P.No. 7718 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 7718 of 2024

K.Ravichandran

... Petitioner

versus

1.The Revenue Divisional Officer,
Udumalpet.

2.The Tahsildar,
Udumalpet.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to undertake the survey of petitioner's lands to an extent of 54.82 cents at S.No.84 out of larger extent of 7.06 acres forming part of "Nehru Nagar approved layout" based on the petitioner's sale deeds dated 16.5.2022 and revenue records as per the provisions of Survey and Boundaries Act, by considering the petitioner's representation dated 06.06.2023.

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For Petitioner : Mr.C.Jagadish

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 the parties, this 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 respondents to consider the representation of the petitioner dated 06.06.2023, in and by which, the petitioner sought to survey his land measuring to an extent of 54.82 cents in S.No.84 out of larger extent of 7.06 acres forming part of "Nehru Nagar approved layout" based on the petitioner's sale deeds dated 16.5.2022 and Revenue Records as per the provisions of Survey and Boundaries Act.



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3. The case of the petitioner is that he purchased the land measuring to an extent of 54.82 cents, out of larger extent of land 7.06 acres, in S.No.84 Udumalpet Village, by virtue of registered sale deeds dated 16.05.2022 vide Document Nos.5843 and 5844 of 2022 on the file of the Sub Registrar, Udumalpet from one Srinivansan. The petitioner's vendor has got joint patta in Patta No.23 along with other owners in the layout. That being so, some encroachments have been made in the land in question by some third parties and hence, the petitioner has given a representation to the first respondent on 06.06.2023, seeking to survey his land and remove encroachments therein. Subsequently, the first respondent forwarded the said representation to the second respondent on 23.06.2023, but till date, the second respondent has not passed any orders.

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



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5. On a perusal of the records, it is seen that since the petitioner himself has stated in the representation that some third parties have encroached the land in question, he requested the respondents to measure the property and remove the encroachments therein and hand over the possession of the encroached property in favour of the petitioner. It is needless to state that neither the Revision Authority nor the Writ Court can give any finding regarding encroachments and removal of encroachments with regard to private properties. However, it is open to the petitioner to work out his remedy before the competent civil Court.

6. In view of the above, this writ petition is dismissed. There shall be no order as to costs.

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Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

- 1.The Revenue Divisional Officer,
Udumalpet.
- 2.The Tahsildar,
Udumalpet.



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