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WA.No.2880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM:

THE HONOURABLE Mr.JUSTICE **R.SUBRAMANIAN**

AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

WA.No.2880 of 2024
and
CMP.No.21201 of 2024

T.Senthilkumar

... Appellant

-Vs-

1. Palanisami
2. The District Collector,
District Collector Office,
Tiruppur District.
3. The Revenue Divisional Officer,
Udumalpet Taluk,
Tiruppur District.
4. The Assistant Directory (Survey and Land Records)
Collectorate Building,
Tiruppur, Tiruppur District-641 604.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order passed in WP.No.11344 of 2024 dated 26.04.2024 on the file of this Court.

For Appellant : Mr.S.P.Yuaraj
For Respondents : Mr.Adithya Varadarajan for R1
Mr.Vadivelu Deenadayalan
Additional Government Pleader for R2 to R4



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JUDGMENT

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*[Judgement of the Court was made by **R.SUBRAMANIAN, J**]*

The petitioner seeks leave to file an appeal against the order made in WP.No.11344 of 2024 dated 26.04.2024. The operative portion of the order reads as follows:-

“5. Considering the limited relief sought for in this writ petition, the first respondent is directed to consider the representation of the petitioner dated 31.01.2024 and pass appropriate orders on the petitioner's representation for survey of the property and demarcate the boundaries after giving notice to the neighbouring land owners and any other interested persons, within a period of two months from the date of receipt of a copy of this order.”

2. It is the grievance of the petitioner that in the guise of survey in Survey No.297, the Authorities have included a portion of his land in S.No.298/1 and enabled the first respondent to fence the land. It is also stated that a suit in respect of the said land is pending before the learned District Munsif, Udumalpet. In respect of land in S.No.297/2C is pending before the learned District Munsif, Udumalpet. The petitioner is actually the plaintiff in



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the said suit. It is for the petitioner to work out his rights in the suit that is pending. If it is his claim that the first respondent has encroached upon the land in S.No.298/1, it is open to the petitioner to seek appropriate relief before the competent Civil Court complaining of such encroachment. The filing an appeal against the order made in the writ petition, which is only a direction to survey, will not improve the cause of the petitioner. Hence, this petition is dismissed with liberty to the petitioner to take appropriate proceedings to safeguard his property before a competent Civil Court.

4. With the above directions, this Writ Appeal is disposed of. No costs. Consequently, connected CMP is also closed.

[R.S.M., J] [C.K., J]
19.12.2024

Index : No

Internet: Yes

Speaking Order

NCC : No

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R.SUBRAMANIAN, J
and
C.KUMARAPPAN, J

kmi

To

1. The District Collector,
District Collector Office,
Tiruppur District.
2. The Revenue Divisional Officer,
Udumalpet Taluk,
Tiruppur District.
3. The Assistant Directory (Survey and Land Records)
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