



W.P(MD)No.3826 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.3826 of 2018 and
WMP(MD) No.17946 & 3957 of 2018

K.Arunachala Pandian

... Petitioner

Vs

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Melur Division,
Othakadai,
Madurai-625 107.

2.The Tahsildar,
Office of the Madurai East Taluk Office,
Madurai.

3.The Taluk Surveyor,
Madurai East Taluk,
Madurai.

4. A.Santhi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents 1 to 3 herein from in any manner allowing to survey



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or measure the properties comprised in Survey No.72/3A 2 belonging to the petitioner situated at Vandiyur 1st pit Village, Madurai East Taluk Madurai District by considering his representation dated 16/01/2018.

For Petitioner : Mr.R.Chandrasekar
For R1 to R3 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R4 : Mr.C.Venkatesh Kumar

ORDER

Seeking Mandamus not to conduct survey in the land comprised in Survey No.72/3A 2, Vandiyur 1st pit Village, Madurai East Taluk Madurai District, the petitioner has filed this writ petition in the year 2018.

2.The learned counsel appearing for the petitioner submits that the petitioner is having a patta No.235, in respect of the property in Survey No.72/3A 2, Vandiyur 1st pit Village, Madurai East Taluk Madurai District. However, the fourth respondent has submitted an application before the respondents 2 & 3 to survey the above said land. Hence, this petition.



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3.This Court has entertained this writ petition and an order of stay has also been granted in the year 2018. Thereafter, this writ petition was adjourned for filing counter affidavit by the respondents.

4.The learned counsel appearing for the fourth respondent submits that the petitioner is attempting to encroach the fourth respondent's land. Therefore, he has submitted an application for survey of the land. If the petitioner is having any objection to survey the land, he can very well raise his objection before the Survey officer. However, the petitioner has filed this writ petition forbearing the officers from conducting survey in the subject property.

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



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6.The fourth respondent herein has approached the officials for survey of his land. The petitioner has filed this writ petition forbearing the officials from surveying the land on the ground that he is having patta for the subject land. If the petitioner is having valid document, the same shall be produced before the Survey officer during the survey. The survey officer shall conduct the enquiry under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 after issuing notice to the adjacent land owners and thereafter shall proceed further. The survey, if any conducted would not confer any right to the parties. If the petitioner is having any grievance in respect of the title of the property, he is at liberty to approach the competent civil Court. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

29.01.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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