



W.P.(MD) No.11362 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P.(MD) No.11362 of 2025

and W.M.P(MD) No.8437 of 2025

A.Stephen Suresh

... Petitioner

Vs

1. The Revenue Divisional Officer,
Eluppur,
Pudukottai District.

2. The Tahsildhar,
Viralimalai,
Pudukottai District.

3. The Surveyor (Land Survey),
Viralimalai,
Pudukottai District.

4. The Sub Inspector of Police,
Mathur Police Station,
Pudukottai District.

5. Thangaiah @ Thanislas

6. Maria Koratti

7. Ambrose

8. Ruban

... Respondents



W.P.(MD) No.11362 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order in Moo.Mu.A4/1259/2024 dated 10.12.2024 issued by the 1st respondent and quash the same as illegal and consequently direct the 3rd respondent to conduct a fresh survey and demarcation of land with police protection in Survey No.221/1C situated at Palani Village Amburpatti, Viralimalai Taluk, Pudukottai Dsitric.

For Petitioner : Mr. G.M. Xavier
For R1 to R3 : Mr.K.R.Badurus Zaman
Government Advocate
For R4 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed by the petitioner to quash the order passed by the 1st respondent in Moo.Mu.A4/1259/2024 dated 10.12.2024 and consequently, to direct the 3rd respondent to conduct a fresh survey and demarcation of land with police protection in Survey No.221/1C situated at Palani Village Amburpatti, Viralimalai Taluk, Pudukottai Dsitric.

2. The learned counsel appearing for the petitioner would submit that the petitioner is the owner of the property in Survey No.221/1C



W.P.(MD) No.11362 of 2025

situated at Palani Village, Amburpatti, Viralimalai Taluk, Pudukkottai.

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While so, the respondents no.5 to 8 have illegally encroached upon the petitioner's land and erected unauthorized fencing and refused to vacate, despite the police complaint filed on 06.11.2023 and 26.11.2023 at Mathur Police Station. The petitioner has also applied for survey and demarcation before the Revenue Department on 11.01.2024 and they have also surveyed the land and confirmed the encroachment made by the respondents no.5 to 8. Subsequently, the wife of the petitioner lodged a complaint against the private respondents and F.I.R has been registered in Crime No.40 of 2024 and the same is pending. Thereafter, the 1st respondent has passed the impugned order and they admitted that the property in Survey No.221/C belongs to the petitioner, but stated that there was no encroachment, contradicting the earlier order. Therefore, the order passed by the 1st respondent is liable to be quashed.

3. The learned Government Advocate (Criminal Side) appearing for the respondents no.1 to 3 would submit that already based on the request made by the petitioner, they surveyed the land and on survey, they found that the northern side boundary stone was removed. To that effect, they also filed a report.



W.P.(MD) No.11362 of 2025

WEB COPY 4. The learned Government Advocate (Criminal Side) appearing for the 4th respondent would submit that there is a dispute between the petitioner and private respondents in respect of the property. Therefore, the 1st respondent has passed the order. The 4th respondent has no role in the order passed by the 1st respondent.

5. Considering the prayer sought for in the petition, this Court without even issuing notice to the respondents no.5 to 8 inclined to pass orders in this petition.

6. According to the petitioner, the order passed by the 1st respondent in respect of encroachment is contrary to the real facts. This Court has perused the order passed by the 1st respondent. The 1st respondent passed the order based on the report of the Tahsildar that the property belongs to one Stephen Suresh son of Arockiasamy in S.No.221/1C and the same was surveyed by the authorities. On survey, they found that the northern side boundary was removed by one Thangaiah son of Francis. Therefore, they passed order that the S.No.221/1C, nobody can encroach and alter the nature of the property. Nowhere the 1st respondent has stated that there



W.P.(MD) No.11362 of 2025

was no encroachment. Therefore, the order passed by the 1st respondent

based on the ground raised by the petitioner cannot be set aside and the

order passed by the 1st respondent no way adverse against the petitioner.

In view of the same, this writ petition stands dismissed. Consequently,

connected writ miscellaneous petition is closed.

24.04.2025

Internet :Yes
Index :Yes/No
NCC :Yes/No
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To

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2. The Tahsildhar,
Viralimalai,
Pudukottai District.

3. The Surveyor (Land Survey),
Viralimalai,
Pudukottai District.

4. The Sub Inspector of Police,
Mathur Police Station,
Pudukottai District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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W.P.(MD) No.11362 of 2025

P.DHANABAL, J.

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W.P.(MD) No.11362 of 2025

24.04.2025