



W.P.(MD)No.10417 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 15.04.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.10417 of 2026
and
W.M.P.(MD)No.8171 of 2026

- 1.Ajaykumar
- 2.Vidhyashri
- 3.Anupriyadharshini

.. Petitioners

- Vs. -

- 1.The District Collector,
Theni District, Theni.
- 2.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.
- 3.The Assistant Director of Survey and Settlement,
Theni District.
- 4.The Tahsildar,
Uthamapalayam Taluk,
Theni District.
- 5.The Commissioner,
Chinnamanur Municipality,
Chinnamanur.
- 6.The Town Surveyor,
Chinnamanur Municipality,
Chinnamanur.



W.P.(MD)No.10417 of 2026

7.Paramananthan,
Government Contractor,
No.221/1 W2, East Street,
Muthulapuram,
Theni,
Tamil Nadu-625 515.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to strictly adhere to the linear measurements and boundaries recorded in the Original Field Measurement Book (FMB SR 634) and survey records by maintaining the fixed eastern boundary of 71.4 meters as the constant, and consequently restrain the respondents from trespassing, encroaching, or proceeding with any road construction activity in the petitioners' land in Town Survey No.41/3 until a lawful demarcation is completed based on the said original FMB.

For Petitioners : Mr.M.Nivas Gokul

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 to R4 & R6

Mr.K.Hemakarthykeyan for R5

ORDER

The Writ Petition is filed directing the respondents to strictly adhere to the linear measurements and boundaries recorded in the Original Field Measurement Book and survey records by maintaining the fixed eastern boundary of 71.4 meters as the constant and consequently restrain the



W.P.(MD)No.10417 of 2026

respondents from trespassing, encroaching, or proceeding with any road construction activity in the petitioners' land in S.No.41/3 until a lawful demarcation is completed based on the said original FMB and pass such further or other order.

2. Upon hearing the learned counsel for the petitioners and perusing the material records of the case, the grievance of the petitioners is that without conducting a proper survey and determining the boundaries, the respondents are wrongfully trying to encroach into the petitioners' land by fixing wrong boundaries to the land while trying to lay the road. Therefore, the petitioners are before this Court.

3. Per contra, the learned counsel appearing on behalf of the fifth respondent would submit that already in the presence of the petitioners, a survey was conducted, but the petitioners are only insisting that the survey in respect of their entire land should be conducted. For that purpose, the petitioners asked to make a specific application by paying the fee and the same will be considered. As far as their stand is concerned, they have not encroached into the petitioners' property.



W.P.(MD)No.10417 of 2026

WEB COPY

4. I have considered the rival submissions made on either side and perused the material records of the case.

5. If the boundary is factually disputed and if the municipality or the authority is asserting that they are not trespassing into the petitioners' property, the appropriate remedy for the petitioners would only be to approach the competent civil Court to determine the boundary and seek for such relief. As far as the limited relief of surveying the property is concerned, the respondents submit that if a proper application is made by payment of fees, the same will be done.

6. In view thereof, this Writ Petition is disposed of on the following terms:

(i) With reference to the surveying of the entire property of the petitioners, the petitioners shall make an application and by payment of the prescribed fee and the same shall be conducted as expeditiously as possible by the fourth respondent with due notice to the fifth respondent and the petitioner;



W.P.(MD)No.10417 of 2026

WEB COPY

(ii) The liberty is also given to the petitioner to approach the competent civil Court if necessity arises as per law with reference to the boundary dispute.

7. At this juncture, the learned counsel would submit that the road is now being constructed on a water body. If that be so, the same is not decided in the writ petition. It will be open for the petitioners to raise that grievance in an appropriate manner. No costs. Consequently, the connected miscellaneous petition is closed.

15.04.2026

NCC : No
sji

To

1.The District Collector,
Theni District, Theni.

2.The Revenue Divisional Officer,
Uthamapalayam,
Theni District.

3.The Assistant Director of Survey and Settlement,
Theni District.

4.The Tahsildar,
Uthamapalayam Taluk,
Theni District.



WEB COPY



W.P.(MD)No.10417 of 2026

D.BHARATHA CHAKRAVARTHY, J.

sjj

5.The Town Surveyor,
Chinnamanur Municipality,
Chinnamanur.

W.P.(MD)No.10417 of 2026

15.04.2026