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W.P.(MD)NO.11846 OF 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2026

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.11846 of 2026

C.Kesavan

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The District Revenue Officer,
Madurai District,
Madurai.
3. The Revenue Divisional Officer,
Madurai,
Madurai District.
4. The Tahsildar,
Vadipatti Taluk,
Madurai District.
5. The Inspector of Survey and Land Records,
Madurai District,
Madurai.
6. Vadipatti Town Panchayat,
Rep. By its Executive Officer,
Vadipatti, Madurai.



7. P.Maharajan

... Respondents

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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to conduct a fresh survey in respect of the lands comprised in S.F.No.3 situated at Neerethan Village, Vadipatti Taluk, Madurai District with the assistance and supervision of the fifth respondent, namely, the Inspector of Survey and Land Records, Madurai District who is the District Head of Survey Unit, by verifying the Field Measurement Book sketch, village map, resurvey records, correlation register and classification records, after affording due notice and opportunity to the petitioner within a time frame as may be fixed by this Court.

For Petitioner : Mr.A.Robinson

For Respondents : Mr.C.Venkatesh Kumar,
Special Government Pleader
for R-1 to R-5.

Mr.G.V.Vairam Santhosh,
Additional Government Pleader
for R-6.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for



respondents 1 to 5 and the learned Additional Government Pleader appearing for the sixth respondent.

2. Issuance of notice to the seventh respondent is dispensed with.

3. The seventh respondent herein filed W.P.(MD)No.26429 of 2025 for removing the encroachments in survey No.3. Survey No.3 has been classified as a water body. According to the said Maharajan, the petitioner herein had encroached on the said water body. The writ petition was disposed of by us on 25.09.2025 in the following terms :-

“4. When the matter was taken up for hearing, the learned Special Government Pleader submitted that survey is to be held on 03.10.2025. The fourth respondent is directed to intimate the sixth respondent about the holding of the survey on the said date.

5. The fourth respondent is directed to issue notice to the private respondents and other encroachers if any, conduct survey and if the encroachments are noticed, then by adhering to due



process of law, the encroachments shall be removed.

The entire exercise will be completed within a period of four months from the date of receipt of a copy of this order. This writ petition stands disposed of accordingly. No costs."

4. The writ petitioner states that survey was first conducted on 08.10.2025. The authorities appear to have come to the conclusion that there was no encroachment. Another survey was held on 05.01.2026. The learned counsel for the petitioner points out that while the first survey notice the issued to three persons, the second notice was issued only to the writ petitioner herein i.e. Kesavan.

5. The learned counsel for the petitioner points out that when survey is conducted, notices shall be issued to all the adjacent land owners. The specific case of the writ petitioner is that the petitioner herein has put up construction only in survey No.4/1B and 4/1C. Since the two surveys have yielded conflicting outcomes, we are of the view that in the interest of justice, one more survey will have to be conducted at the petitioner's cost. The earlier reports shall be furnished to the writ petitioner. Fresh survey shall be conducted by



the fifth respondent. We make it clear that notice should be issued not only to the writ petitioner herein but also to the seventh respondent herein as well as the other adjacent land owners. This writ petition stands disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
22nd April 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The District Collector,
Madurai District,
Madurai.
2. The District Revenue Officer,
Madurai District,
Madurai.
3. The Revenue Divisional Officer,
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Madurai District.
4. The Tahsildar,
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