



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.13889 of 2016

and

W.M.P(MD)Nos.10324 & 10638 of 2016

and

Writ Petition(MD)No.14041 of 2016

and

W.M.P(MD)No.10434 of 2016

W.P(MD)No.13889 of 2016:

A.2591, Madurai Coats and Public
Services Co-operative Housing Society Limited,
Represented by its Secretary,
No.76/218, Theni Main Road,
P.P.Chavady, Madurai - 625 010.

...Petitioner

Vs.

1.The District Collector,
Collectorate, Madurai.

2.The Tahsildar,
Madurai West,
Madurai.

3.The Taluk Head Surveyor/
Deputy Inspector of Survey,
Madurai West Taluk,
Madurai District.

4.Tmt.D.Pandiammal

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned notice in Na.Ka.No.4881/2016, dated 29.07.2016 of the second respondent and quash the same.

For Petitioner	: Mr.H.Arumugam
For R-1 to R-3	: Mr.V.Muruganandham, Additional Government Pleader
For R-4	: Mr.G.Prabhu Rajadurai for Mr.M.S.Jayakarthish



W.P(MD)No.14041 of 2016:

R.Senthilkumar

..Petitioner

Vs.

1.The Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai West,
Madurai.

3.Tmt.D.Pandiammal

4.K.Chinnapandi

..Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd respondent in Na.Ka.No.4881/2016, dated 29.07.2016 of the second respondent and quash the same.

For Petitioner	: Mr.V.Sankaranarayanan(No Appearance)
For R-1 & R-2	: Mr.V.Muruganandham, Additional Government Pleader
For R-3	: Mr.G.Prabhu Rajadurai for Mr.M.S.Jeyakarthik
For R-4	: Mr.H.Arumugam

COMMON ORDER

Since both the Writ Petitions are filed challenging the enquiry notice issued by the second respondent, dated 29.07.2016, the Writ Petitions are disposed of by this common order.

2. The brief facts of the case are as follows:

One Tmt.D.Pandiammal(fourth respondent in W.P(MD)No.13889 of 2016), filed an application seeking to survey and fix boundary of her land, as per the revenue records. Since the application was not considered, she filed a Writ Petition before this Court in W.P(MD)No.4053 of 2015 and this Court by order, dated 25.01.2016, directed the Taluk Head Surveyor/Deputy Inspector of Survey, Madurai West Taluk, Madurai District, to consider the claim of the petitioner's therein and to pass suitable orders within a period of eight weeks. Subsequently, notice of enquiry for measuring the property was also issued. But because of serious objections raised by other parties, it was stopped and a report was also submitted by the third respondent to that effect on 06.04.2016. Therefore, the said Pandiammal filed CrI.O.P(MD)No. 7710 of 2016 under Section 482 Cr.P.C, seeking police protection.



This Court vide order, dated 21.06.2016 passed the following order:

"7. In view of the above submissions made of the learned counsel for the parties, the Tahsildar, Madurai West Taluk, Madurai is directed to conduct enquiry by providing sufficient opportunity to the parties, within a period of three weeks from the date of receipt of a copy of this order. If need be, the Tahsildar may seek for police protection for measuring the disputed land by issuing appropriate requisition to the second respondent police. On receipt of such requisition, the second respondent police shall provide adequate police protection for measuring the land."

Pursuant to the order passed by this Court, now the second respondent issued the impugned notice asking the parties to appear for survey of the disputed land.

3. Heard the rival submissions and perused the materials available on record.

4. The impugned notice was issued by the second respondent pursuant to the order passed by this Court in W.P(MD)No.4053 of 2015 and CrI.O.P(MD)No.7710 of 2016. Pursuant to the same, the second respondent proposed only to survey the land, for which the parties cannot have any objections. However, after survey, if any variation or deviation in the extent, is found, it is open to the parties to approach appropriate civil Court.

5. In the above circumstances, the second respondent is directed to conduct enquiry and after hearing all the parties concerned, survey the land in question with reference to the sale deeds and revenue records, within a period of four weeks from the date of receipt of a copy of this order. The parties are directed to co-operate with the second respondent in the above exercise.

6. With the above directions, the Writ Petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS)

To

1. The District Collector,
Collectorate,

Madurai.



2.The Tahsildar,
Madurai West,
Madurai.

3.The Taluk Head Surveyor/
Deputy Inspector of Survey,
Madurai West Taluk,
Madurai District.

+1cc to Mr.H.Arumugam, Advocate in SR.51816

+2cc to Mr.M.S.Jayekarthik, Advocate in SR.52155 & 52156

+1cc to the Special Government Pleader in SR.51971 & 51972

W.P(MD)Nos.13889 & 14041 of 2016
and connected MP's
12.09.2016

pm

PBK/SK-SKN/SAR LIB. 15.09.2016 ::4P-8C: (IT)