



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:02.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.18542 of 2016

and

W.M.P(MD)No.13427 of 2016

G.Subramanian

... Petitioner

Vs.

1.The Thasildhar,  
Aruppukottai,  
Virudhunagar District.

2.The Deputy Taluk Surveyor,  
Aruppukottai, Virudhunagar District.

3.P.Alagar

... 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 of the impugned notice of the 2<sup>nd</sup> respondent in F.L.A.No.6456 of 2016, dated 19.09.2016 and quash the same.

|                |                                                    |
|----------------|----------------------------------------------------|
| For Petitioner | : Mr.H.Arumugam                                    |
| For R-1 & R-2  | : Mr.J.Gunaseelan Muthaiah,<br>Government Advocate |
| For R-3        | : Mr.S.J.Chakkaravarthy                            |

**ORDER**

This Writ Petition has been filed by the petitioner challenging the notice issued by the second respondent/Deputy Taluk Surveyor, Aruppukottai, asking him to appear for an enquiry with regard to measurement of land based on his application, dated 19.09.2016.

2. According to the petitioner, he never filed any application for measuring the property.

3. The learned counsel appearing for the third respondent would submit that the third respondent, who claims to be the purchaser of the property from a third party had only filed an application for measuring the property and in which, notice was wrongly sent in the name of the petitioner.



4. However, the learned counsel appearing for the petitioner would submit that the petitioner is only a lessee in respect of the disputed property and civil suits are pending between the parties.

5. The first respondent/Tahsildar, Aruppukottai, Virudhunagar District, filed a counter affidavit, wherein it has been stated as follows:

**'3.It is submitted that the writ petitioner challenged survey notice issued by the 2<sup>nd</sup> respondent herein. He alleged that the said respondent No.2 has wrongly issued said notice without his application. The 2<sup>nd</sup> respondent agreed said notice was issued to writ petitioner by him. There is no intention to issuance of said notice. Actually said notice ought to have been issued to the respondent No.3. But wrongly issued to the writ petitioner. Now, the entire survey process are stopped due to said mistakes. Now only the respondent Nos.1 and 2 aware civil suits, writ petitions and criminal cases file by themselves. On that aspect entire survey process are stopped. Already survey dated was fix by surveyor on 26.09.2016 based on the application of third respondent herein. Due to the aware of the above said litigations between both parties the entire survey process are stopped.'**

6. In view of the averments made in the counter-affidavit that already survey of property has already been stopped awaiting the outcome of the proceedings before the civil Court as well as the criminal Court, no further order is necessary in this Writ Petition.

7. In the result, this Writ Petition is closed. No Costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The Thasildhar, Aruppukottai, Virudhunagar District.
- 2.The Deputy Taluk Surveyor, Aruppukottai, Virudhunagar District.
- +1 CC to Mr.H.ARUMUGAM, Advocate, SR No.65179
- +1 CC to Mr.S.J.CHAKKARAVARTHY, Advocate, SR No.65145

W.P (MD) No.18542 of 2016

02.11.2016