



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2016

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CORAM:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.21486 of 2016

Subashini ... Petitioner

Vs.

1. The Tahsildar,
Usilampatti Taluk,
Madurai District.

2. The Taluk Surveyor,
Usilampatti Taluk,
Madurai District.

3. The Sub-Inspector of Police,
Uthapanayakanoor Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation, dated 14.09.2015 in enquiry initiated by the first respondent in proceedings in Na.Ka.No.3784/16/S, dated 18.07.2016.

For Petitioner : Mr.C.Deepak
For Respondents : Mr.J.Gunaseelan Muthiah
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

2.By consent, the Writ Petition itself is taken up for final hearing.

3.According to the petitioner, he is the owner of the property in Survey Nos.98/1 and 98/3 situated in Nadupatti Village. The petitioner along with others filed a suit in S.No.2014 of 2014 against one Durairaj and others and the same is pending on the file of the District Munsif cum Judicial



Magistrate, Usilampatti. In the meantime, one Muthuramalingam, said to have purchased the property from the defendants in the suit, has filed an application before the Thasildar to survey the above said land, subsequently, filed a Writ Petition in W.P(MD) No.16056 of 2015 before the Court seeking a direction to the Thasildar to survey the land and this Court by an order, dated 04.09.2015, directed the above said Muthuramalingam to give a fresh representation to the first respondent therein and on filing such representation, the Thasildar is directed to consider the same and pass appropriate orders, after affording an opportunity of hearing to all the necessary parties. Pursuant to the same, the Thasildar issued a notice for enquiry to the petitioner and the above said Muthuramalingam, the enquiry was posted on 21.07.2016. On that day, the petitioner appeared and raised objections. According to the petitioner, without considering her objection, now the Thasildar is taking steps to measure the property. Hence, the petitioner has filed the Writ Petition.

4.The learned Government Advocate appearing for the respondents, on instructions, submitted that the Thasildar has taken steps to measure the property on 08.11.2016, but on the objection filed by the petitioner, it has been adjourned to 11.11.2016.

5.Considering the fact that the petitioner has already filed objection before the Thasildar, as per the order passed by this Court in the earlier Writ Petition in W.P(MD)No.16056 of 2015, the first respondent-Thasildar is directed to consider the objection filed by the petitioner and pass suitable orders regarding the claim of the petitioner and the petitioner in the earlier writ petition, within a period of six weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

1. The Tahsildar,
Usilampatti Taluk, Madurai District.

<https://hcservices.courts.gov.in/csls/csls1>

2. The Taluk Surveyor,
Usilampatti Taluk, Madurai District.



3.The Sub-Inspector of Police,
Uthapanayakanoor Police Station,
Madurai District.

+1cc to M/s.C.Deepak, Advocate, in SR No.67280.

+1cc to Special Government Pleader in SR.No.67052.

W.P (MD) No.21486 of 2016
09.11.2016

ps
anr/ss3/sar3/10.11.16/p3/6c (IT)