



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 14.12.2016

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.23916 of 2016

and

W.M.P (MD) Nos.17251 and 17252 of 2016

G.Ignatius

..Petitioner

Vs

1.The Tahsildar,
Taluk Office,
Kulitalai Taluk,
Karur District.

2.The Head Surveyor,
Taluk Office,
Kulitalai Taluk,
Karur District.

3.Vincent Melbon.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the second respondent made in Survey Notice Petition No.FLA, dated 23.09.2016 and to quash the same and consequently to forbear the respondent not to make any sub-divisions in respect of S.No.326/3A1 and 326/3A3, Rajendram North Village, Kulithalai Taluk, Karur District in the revenue records based on the survey conducted on 29.09.2016.

For Petitioner :Mr.R.Murali
for M/s.E.D.Prakash

For Respondents :Mr.T.S.Mohammed Mohideen
1 and 2 Addl.Govt.Pleader

ORDER

Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents 1 and 2.

<https://hcservices.ecourts.gov.in/hcservices/>

2.By consent of both parties, the main Writ Petition is taken up for disposal, at the admission stage itself.



3.The Petitioner is aggrieved against the proceedings, dated 23.09.2016 issued by the second respondent, which is nothing but a notice calling upon the Petitioner to appear for an enquiry on 29.09.2016 in respect of survey proceedings.

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4.I do not think that the Petitioner can maintain the present Writ Petition challenging the said notice, as it is always open to him to make all his objections before the concerned authority in the enquiry proposed, consequent upon the issuance of the impugned notice. In fact, it is brought to the notice of this Court that the Petitioner has also sent his objection on 5.10.2016 through his counsel. If that is the case, it is for the concerned authority to consider the objection of the Petitioner and pass orders on merits and in accordance with law, also by hearing the third respondent or any other interested person. Therefore, I do not find any ground to entertain the present Writ Petition challenging the notice of enquiry.

5.Accordingly, the Writ Petition is disposed of, with a direction to the second respondent to pass orders on the survey proceedings pending between the parties, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order, if no such order is passed so far. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

1.The Tahsildar,
Taluk Office,
Kulitalai Taluk,
Karur District.

2.The Head Surveyor,
Taluk Office,
Kulitalai Taluk,
Karur District.

+One cc to The Special Government Pleader, SR.No.80894

+One cc to Mr.E.D.Prakash, Advocate, SR.No.80784

vsn

RL/5C/2P/SKN/5.1.2017

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