



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 16.12.2016

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P (MD) No.24113 of 2016

and

W.M.P (MD) No.17403 of 2016

P.Soundararajan

..Petitioner

Vs

1.The District Collector,
Dindigul,
Dindigul District.

2.The District Revenue Officer,
Dindigul, Dindigul District.

3.The Assistant Director of Survey,
Dindigul District.

4.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

5.The Village Administrative Officer,
Chettinayackenpatti Village,
Dindigul District.

6.M.Murugesan

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 3 to 5 herein to survey the property situated in S.Nos.676 and 676/1A1 of Chettinayackenpatti Village, Dindigul District after affording an opportunity of hearing the Petitioner on the basis of the order passed by this Court in W.P (MD) No.13060 of 2016 dated 26.7.2016 by furnishing the copy of relevant documents in the aforesaid properties produced by sixth respondent to the Petitioner on the basis of his representation made before the fifth respondent in person dated 29.11.2016.

For Petitioner :M/s.K.Kanimozhy

For Respondents :Mr.T.S.Mohammed Mohideen

1 to 5

Addl.Govt.Pleader

ORDER

This Writ Petition is filed seeking for a Writ of Mandamus directing the respondents 3 to 5 herein to survey the properties situated in S.Nos.676 and 676/1A1 of Chettinayackenpatti Village, Dindigul District, after affording an opportunity of hearing the



Petitioner on the basis of the order passed by this Court in W.P (MD)No.13060 of 2016, dated 26.7.2016 by furnishing the copy of relevant documents in the aforesaid properties produced by sixth respondent.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader takes notice for the respondents 1 to 5.

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

4.Ventilating such grievance, the Petitioner has made a representation on 29.11.2016.

5.Heard the learned counsel for the Petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 5.

6.Since this Writ Petition can be disposed of without hearing the sixth respondent, as his interest is not going to be affected by this order, notice to the sixth respondent is dispensed with.

7.The grievance of the Petitioner is that the Revenue/Survey Department authorities are going to survey the property based on the request made by the sixth respondent, pursuant to the order already passed in W.P(MD)No.13060 of 2016, dated 26.7.2016 filed by the sixth respondent herein, without considering the Petitioner's claim over the said property and the documents to be furnished by him.

8.I do not think such apprehension of the Petitioner is well-founded in view of the fact that pursuant to the above said order, notice was ordered to the Petitioner as well, as could be seen from the typed-set of papers, calling upon the Petitioner to appear for an enquiry. Therefore, it is for the petitioner to appear before the concerned authority with relevant documents and make his claim in respect of the survey proceedings. It is seen that the survey proceedings is still pending and no final order has been passed by the relevant official.

9.Therefore, this Writ Petition is disposed of by directing the Petitioner to approach the fourth respondent/The Tahsildar, Dindigul West Taluk, Dindigul District and make his claim with all necessary documents, who in-turn will consider the claim of the Petitioner as well as the sixth respondent herein and pass orders on the request for survey, on merits and in accordance with law. Such exercise shall be done by the fourth respondent/The Tahsildar, Dindigul West Taluk, Dindigul District within a period of twelve weeks from the date of receipt of a copy of this order, if no order is passed so far. Consequently, connected Miscellaneous Petition is closed. No costs.

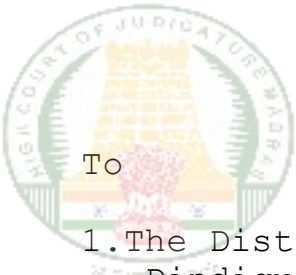
Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.



To

1.The District Collector,
Dindigul,
Dindigul District.

2.The District Revenue Officer,
Dindigul, Dindigul District.

3.The Assistant Director of Survey,
Dindigul District.

4.The Tahsildar,
Dindigul West Taluk,
Dindigul District.

5.The Village Administrative Officer,
Chettinayackenpatti Village,
Dindigul District.

+1cc to M/s.K.Kanimozhi, Advocate in SR.81255

+1cc to the Special Government Pleader, in SR.81432

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and

W.M.P (MD) No.17403 of 2016
16.12.2016

vsn

PBK 27/12/2016 ::3P-8C: