



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P. (MD) No.5726 of 2016

and

C.M.P. (MD) Nos.5149 and 5150 of 2016

R.Senthilkumar

... Petitioner

Vs.

1.The Collector,
Madurai District, Madurai.

2.The Thasildar,
Madurai West, Madurai.

3.The Zonal Deputy Inspector,
Madurai West, Madurai.

4.D.Pandiammal

... Respondents

Prayer: The Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of certiorari, to call for the records relating to the impugned notice issued by the 2nd respondent's office and signed by the 3rd respondent in Na.Ka.No.Athumal No. 4/16 dated 18.03.2016 and quash the same.

For Petitioner : Mr.V.Sankaranarayanan

For Respondents : Mr.S.Kumar, AGP for R1 to 3

O R D E R

The Writ petition has been filed to quash the impugned notice dated 18.03.2016 in Na.Ka.No.Athumal No.4/16 issued by the 2nd respondent.

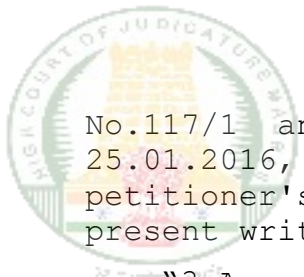
2.By consent, the Writ petition itself is taken of for final disposal. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

3.The notice dated 18.03.2016 issued by the 2nd respondent / Thasildar, calling upon the petitioner to appear on 24.03.2016 along with relevant documents for demarcating the property in T.S.No.117 /1.

4.The grievance of the petitioner is that he has already filed a suit in O.S.No.31 of 2015 before the District Munsif Court, Madurai. He has also raised objection with regard to measure the property in T.S.No.117/1.

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

5.Earlier, the 4th respondent herein filed a Writ petition in W.P. (MD) No.4053 of 2015 seeking for a direction to survey the land in Survey



No.117/1 and the Writ petition was disposed of by this Court on 25.01.2016, directing the 2nd respondent / Thasildar, to consider the petitioner's representation as well as the 6th respondent, who is the present writ petitioner. The said order reads as follows:

"3. Accordingly, this Writ petition is disposed of only with a direction to the 3rd respondent to consider the claim of the petitioner and the 6th respondent and pass orders on the same on merits and in accordance with law within a period of 8 weeks from the date of receipt of a copy of this order. No costs."

6. It is seen that the 2nd respondent has issued only a notice dated 18.03.2016 to all the parties concerned to conduct enquiry for demarcation. Hence, the petitioner cannot come and question the very notice issued by the authorities concerned and it is for him to appear before the authorities and submit necessary documents. Therefore, the prayer sought for by the petitioner is not maintainable.

7. Accordingly, the Writ petition is dismissed. The petitioner is directed to cooperate with authorities to comply with the order dated 25.01.2016 passed by this Court. No costs. Consequently, connected C.M.Ps. are closed.

Sd/-
Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

- To
1. The Collector,
Madurai District, Madurai.
 2. The Thasildar,
Madurai West, Madurai.
 3. The Zonal Deputy Inspector,
Madurai West, Madurai.

W.P. (MD) No. 5726 of 2016
23.03.2016

nbj
SH/GSV-PM:25.04.2016:2P/4C