



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.A. (MD) No.382 of 2018
and C.M.P. (MD) No.2390 of 2018**

Ravichandran : Appellant/5th Respondent

Vs.

1.S.Mohanraj, rep. by his power Agent
S.Ganesan

2.Palaniyammal : Respondents 1 & 2/Writ
Petitioners

3.The District Collector,
Theni District.

4.The Superintendent of Police,
Theni District.

5.The Thasildhar,
Taluk Office, Theni.

6.The Inspector of Police,
Anti Land Grabbing Cell,
Theni.

: Respondents 3 to 6/
Respondents 1 to 4

PRAYER: Writ Appeal is filed under clause 15 of the Letters Patent, against the order dated 09.04.2014 passed by the learned Single in W.P.(MD) No.12980 of 2013.

Prayer in WP(MD). 12980/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, direct the 3rd respondent to survey and measure the site, measuring eastern 6-1/2 cents in T.S No. 17 in Block 34 situated in Ward "C" in Allinagaram Village, Theni District as per the Document No. 329/2002 registered before the Sub Registrar, Theni with District Head Surveyor, by giving notice to the 5th respondent and to submit the survey report and sketch to the 4th respondent within a time to fixed by this Honourable Court.



For Appellant : Mr.C.Venkateshkumar
For Respondents 1 & 2 : No appearance
For Respondents 3 to 6 : Mr.VR.Shanmuganathan
Special Government Pleader

WEB COPY

JUDGMENT

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.C.Venkateshkumar, learned counsel appearing for the appellant and Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the respondents 3 to 6.

2.By consent this Writ Appeal itself is taken up for final disposal at the stage of admission itself.

3.This Writ Appeal has been filed by the 5th respondent in the writ petition, challenging the order passed in W.P.(MD) No.12980 of 2013 dated 09.04.2014.

4.The first contention raised by the learned counsel appearing for the appellant is that the writ petition was disposed of without notice to the appellant. Therefore, he was unable to place his objection before the Court.

5.Though the appellant may be justified in being aggrieved by the order of the Writ Court, we find that the Writ Court only issued direction to consider the representation of the respondents 1 and 2 herein and safeguarded the rights of the appellant by directing the Tahsildar, Theni to issue notice to the appellant and then decide the representation.

6.Further, the appellant apprehends that the Tahsildar, Theni will straight away take action to survey the property.

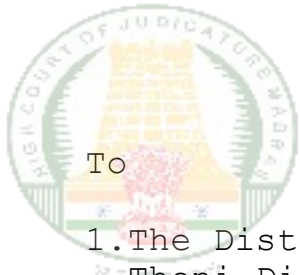
7.In the light of the said apprehension, we clarify that the Tahsildar, Theni shall not pass any orders on the representation of the petitioners 1 and 2 without issuing notice to the appellant and without hearing the appellant.

8.With the above clarifications, this Writ Appeal stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Theni District.

2.The Superintendent of Police,
Theni District.

3.The Thasildhar,
Taluk Office, Theni.

4.The Inspector of Police,
Anti Land Grabbing Cell,
Theni.

Sj

AE/JC/SAR1/26.03.2018/3P/5C

ORDER MADE IN
W.A. (MD) No.382 of 2018
and C.M.P. (MD) No.2390 of 2018
Dated:08.03.2018