



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P. (MD)No.3423 of 2018

and

W.M.P. (MD)No.3563 of 2018

R.Vijay Krishna Balaraman

... Petitioner

-Vs-

1. The District Collector,
Theni District,
Theni.

2. The Tahsildar,
Periyakulam Taluk Office,
Periyakulam, Theni District.

3. The Taluk Deputy Inspector (Survey),
Tahsildar Office,
Land Survey Department,
Periyakulam, Theni District.

4.Amaravathi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the impugned memorandum made in Atthumal No.434/2017 dated 12.02.2018 issued by the third respondent and quash the same.

For Petitioner

: Mr.D.Sadiq Raja

For R1 to R3

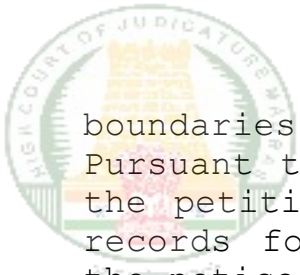
: Mr.Aayiram K.Selvakumar,

Additional Government Pleader.

ORDER

This writ petition has been filed, challenging the enquiry notice dated 12.02.2018 issued by the third respondent asking the petitioner to appear for an enquiry for measuring the property in the application filed by the fourth respondent.

2.Admittedly, the petitioner is not the owner of the property. Earlier, in a suit filed by the fourth respondent, an Advocate Commissioner has been appointed and the Advocate Commissioner has also visited the property and filed a report regarding the physical features of the suit property. Subsequently, the fourth respondent filed an application before the third respondent to measure the property and to fix the



boundaries as per the order of assignment granted in her favour. Pursuant to the same, the second respondent has issued notice to the petitioner directing to appear for the enquiry with relevant records for the purpose of measuring the property. Challenging the notice, the present writ petition has been filed.

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3. It is the admitted case that the fourth respondent is the owner of the property, and the petitioner only claiming that he is in possession of the property, and his right over the property will be decided in the Civil Court. Now, the fourth respondent only wants to measure the property as per the assignment order granted in her favour, for that purpose the petitioner, who is claiming to be in possession, is directed to appear for the enquiry. If at all the petitioner has any grievance, it is always open to him to appear before the third respondent and submit his objections. Without doing so, the petitioner cannot challenge the notice.

4. Accordingly, this writ petition is dismissed. However, it is always open to the petitioner to appear before the third respondent and submit his objections. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Theni District,
Theni.

2. The Tahsildar,
Periyakulam Taluk Office,
Periyakulam, Theni District.

3. The Taluk Deputy Inspector (Survey),
Tahsildar Office,
Land Survey Department,
Periyakulam, Theni District.

+1cc to Mr.D.Sadiq Raja, Advocate Sr.No.49903

+1cc to The Spl. Government Pleader Sr.No.50570

MYR

VB/SKN/RSK/SAR3/06.03.2018/2P/6C