



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.03.2019

CORAM:

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**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS. JUSTICE R.THARANI**

**Writ Petition(MD)No.2064 of 2019
and
W.M.P. (MD) .No.1663 of 2019**

Sri Aanoor Amman Payirakula Kalvi
Samaya Samuga Nala Arakattalai
rep. by its Secretary
Samiappan.

.. Petitioner

Vs.

1.The District Collector,
Karur, Karur District.

2.The Tahsildar,
Aravankuruchi Taluk,
Karur, Karur District.

3.P.Kanagaraj
4.Mrs.A.Shanthi
5.Dr.D.Thilagavathy
6.M.Prasanna
7.R.Arthi

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice in Na.Ka.A1/2583/2018 dated 11.01.2019 passed by the 2nd respondent as illegal, quash the same and consequently direct the 2nd respondent to put petitioner on notice and re-survey the land in S.No.28/2, Thumbivadi Village, Aravakuruchi Taluk , Karur District with in a time frame fixed by this Hon'ble Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.V.R.Shanmuganathan
Special Govt.Pleader for RR-1 & 2
Mr.Niranjan S.Kumar for RR-3 to 7

**ORDER**

[Order of the Court was made by **K.KALYANASUNDARAM, J**]

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The writ petition has been filed, assailing the show-cause notice issued by the second respondent dated 11.01.2019 and for a direction to the 2nd respondent to conduct resurvey in the land in S.No.28/2, Thumbivadi Village, Aravakuruchi Taluk, Karur District.

2.Heard Mr.J.Senthil Kumaraiah, learned counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, Special Government Pleader appearing for the respondents 1 & 2 and Mr.Niranjan S.Kumar, appearing for the respondents 3 to 7.

3.The writ petition in W.P.(MD).No.11296/2018 was filed by the respondents 3 to 7, praying for a direction to the official respondents to remove the encroachment in Sy.No.28/2 at Thumbivadi Village, Aravakurichi Taluk. The writ petition was disposed of by this Court on 14.11.2018, directing the respondents 3 to 5 to measure the land in dispute with the help of the field map and 'A'-Register and title documents and if any encroachment is found, they are directed to initiate appropriate action by issuing proper notice to the encroachers to appear for personal hearing, and pass appropriate orders, on merits and in accordance with law, within a period of two months.

4.According to the second respondent, after conducting a survey, as per the order passed in W.P.(MD).No.11296/2018, the impugned notice has been issued, directing the petitioner to appear for enquiry on 25.01.2019 and in stead of appearing, this writ petition has been filed alleging that no survey was conducted in the presence of the petitioner.

5.The main grievance of the petitioner is that in pursuance of the earlier order, the second respondent has not conducted survey and the petitioner would be satisfied, if the second respondent is directed to conduct a survey in the presence of the petitioner and in accordance with the order passed in the earlier writ petition.

6.The learned Special Government Pleader would state that despite the second respondent has already conducted a survey and issued notice for appearance of the petitioner, the second respondent is ready to conduct resurvey in terms of the order passed in the earlier writ petition.



7. In the light of the facts of the case and the submissions of the learned counsels, the second respondent is directed to conduct resurvey in Sy.No.28/2, Thumbivadi Village, Aravakuruchi Taluk, Karur District, in the presence of necessary parties and after conducting survey, if any encroachment is found out, the second respondent shall take necessary follow up action in accordance with law within a period of three months.

8. Accordingly, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar ()

To

1. The District Collector,
Karur, Karur District.

2. The Tahsildar,
Aravankuruchi Taluk,
Karur, Karur District.

+1 CC to M/s.NIRANJAN S.KUMAR, Advocate SR-53183
+1 CC to M/s.J.SENTHIL KUMARAI AH, Advocate SR-53377
+1 CC to The Special Government Pleader SR-53602

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vs

SP/PK/03.04.2019 : 2P/6C