



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 03.12.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN**

**W.P. (MD) No.17441 of 2020**

**and W.M.P. (MD) No.14587/2020**

**WEB COPY**

M.Kathamuthu

... Petitioner

Vs.

1.The District Collector,  
Sivagangai District, Sivagangai.

2.The Tahsildar,  
Taluk Office, Ilayangudi  
Sivagangai District.

3.The Taluk Assistant Inspector  
Ilayangudi Taluk Office,  
Ilayangudi  
Sivagangai District.

4.Murugan

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in Na.Ka.A1/2414/2020 dated 20.11.2020 passed by the 2<sup>nd</sup> respondent and the quash the same and consequently direction to the 2<sup>nd</sup> and 3<sup>rd</sup> respondents not to interfere in survey Nos.15/6, 15/9 in Patta NO.628 situated at Nagamukunthangudi Village, Ilayangudi Taluk, Sivagangai District.

For Petitioner : Mr.K.Malaimaran

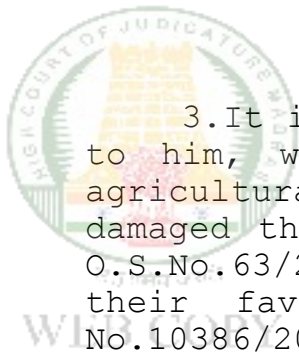
For Respondents : Mr.M.Muniyasamy

1 to 3 Additional Government Pleader

**ORDER**

Challenging the impugned order of the 2<sup>nd</sup> respondent dated 20.11.2020, the petitioner is before this Court with this writ petition.

2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who takes notice for the respondents. Since no adverse order is going to be passed against the fourth respondent, notice to the fourth respondent is dispensed with.



3.It is the case of the petitioner that S.Nos.15/6, 15/9 belong to him, where construction has been made and he is also doing agricultural work in the said land. While so, the 2<sup>nd</sup> respondent has damaged the agricultural field and hence, the pattadars instituted O.S.No.63/2005 against the respondents 1 and 2, which was decreed in their favour. While so, the 4<sup>th</sup> respondent filed W.P.(MD) No.10386/2020 without impleading necessary parties and the said writ petition was ordered on 31.08.2020. Pursuant to the summons issued by the 2<sup>nd</sup> respondent, the petitioner appeared and submitted his objections. However, the 2<sup>nd</sup> respondent passed the impugned order on 28.10.2020, which was challenged before this Court in W.P.(MD) No.16397/2020 and the same was disposed on 20.11.2020. Subsequently, the 2<sup>nd</sup> respondent issued another notice to the petitioner calling upon him to appear in person with all necessary documents. Challenging the same, the petitioner is before this Court with this writ petition.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

5. It is seen from the records that the impugned order is nothing but a notice calling upon the petitioner to appear in person by producing necessary documents in order to take a decision on the subject in question and it is not a final order. Since no adverse order was passed against the petitioner, questioning the intimation asking them to appear cannot be entertained.

6. According to the petitioner, he has preferred an appeal and the same is pending before the appellate authority, pursuant to the order of this Court dated 31.08.2020. When that being the case, if the documents are produced, the authority will have to take into account any specific direction given therein and take a decision in accordance with law, after affording an opportunity of hearing to all the parties concerned. The petitioner is directed to appear before the concerned authority with all necessary documents, at the time of enquiry.

7. With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

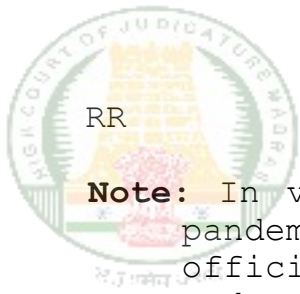
Sd/-

Assistant Registrar (crl side)

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/ /2021

Sub Assistant Registrar(CS)



RR

**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,  
Sivagangai District, Sivagangai.
- 2.The Tahsildar,  
Taluk Office, Ilayangudi  
Sivagangai District.
- 3.The Taluk Assistant Inspector  
Ilayangudi Taluk Office,  
Ilayangudi,  
Sivagangai District.

Orders made in  
**W.P. (MD) No.17441 of 2020**  
**03.12.2020**

VB (06.01.2021) 3P 4C