



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.12145 of 2021 &
WMP (MD)No.9563 of 2021

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P.Rajendran

... Petitioner

Vs.

1. The District Collector,
District Collector's Office,
Tuticorin, Tuticorin District.
2. The Revenue Divisional Officer,
R.D.O. Office,
Kovilpatti,
Tuticorin District.
3. The Tahsildar,
Taluk Office,
Ottapidaram,
Ottapidaram Taluk,
Tuticorin District.
4. The Taluk Surveyor,
Taluk Office,
Ottapidaram,
Ottapidaram Taluk,
Tuticorin District.
5. The Village Administrative Officer,
V.A.O. Office,
Tharuvaikulam,
Ottapidaram Taluk, Tuticorin District.

6.Santhanam

7.Madasamy Thevar

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus calling for the records relating to 3rd respondent proceedings in Survey Notice, Taluk office application no.7LA 368/2020, dated 08.07.2021, quash the same and further direct him not to carry out any survey on the property situated at Tuticorin District, Ottapidaram Taluk, Tharuvaikulam village, S.F.No. 319/34, measuring 2117 square meters



equivalent to 53 cents till the disposal of petitioner's appeal which is presently pending before 2nd respondent.

For Petitioner : Mr.R.Sundar
For Respondents : Mr.M.Lingadurai,
Government Advocate for R1 to R5
Mr.Jagadesh Pandian for R6

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ORDER

This writ petition has been filed challenging the survey notice issued by the third respondent, dated 08.07.2021.

2.Heard Mr.R.Sundar, learned counsel appearing for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the respondents 1 to 5 and Mr. Jagadesh Pandian, learned counsel appearing for the 6th respondent. It brought to the notice of this Court that 7th respondent has already died.

3.The grievance of the petitioner is that the appeal is now pending on the file of the second respondent and a report has also been sought for from the third respondent. While so, the third respondent has independently entertained the application given by the 6th respondent and has called for a survey of the property by issuing the impugned notice. Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.Taking into consideration the facts and circumstances of the case and also the fact that the appeal is pending before the second respondent, there shall be a direction to the second respondent to dispose of the appeal after giving opportunity to the petitioner and the 6th respondent on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

5.Till the final orders are passed in the appeal by the second respondent, no survey shall be undertaken by the third respondent.

6.This writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

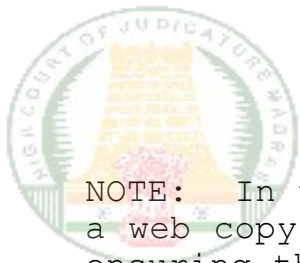
Assistant Registrar (CRL)

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/ /2021

Sub Assistant Registrar(CS)

TM



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,
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2. The Revenue Divisional Officer,
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3. The Tahsildar,
Taluk Office,
Ottapidaram, Ottapidaram Taluk,
Tuticorin District.
4. The Taluk Surveyor,
Taluk Office,
Ottapidaram, Ottapidaram Taluk,
Tuticorin District.
5. The Village Administrative Officer,
V.A.O. Office,
Tharuvaikulam, Ottapidaram Taluk,
Tuticorin District.

+1 CC to M/s. SGP (SR-23333[F] dated 20/07/2021)

**W.P. (MD) .No.12145 of 2021
19.07.2021**

RC (27.07.2021) 3P-7C