



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15320 of 2021

and W.M.P. (MD) .Nos.12213 and 12214 of 2021

WEB COPY

MalaiyaVeeran

... Petitioner

Vs.

1.The Tahsildar,
Melur Taluk, Melur.

2.The Firka Surveyor,
Melur, O/O. Tahsildar,
Melur, Madurai District.

3.Kakkappan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, by calling the records relating to the proceedings of the second respondent made in Athumal No.UTM dated 19.08.2021 and quash the same.

For Petitioner : Mr.R.Murali

For Respondents : Mr.P.Subbaraj,

Counsel for State for R-1 & R-2.

: Mr.Ramsundarvijayraj for R-3

ORDER

The petitioner challenges a notice for survey issued on 19.08.2021. The principal contention of the petitioner is that the properties proposed to be surveyed include the properties of the petitioner. The petitioner contends that a survey of his property cannot be undertaken at the instance of the third respondent herein, who is admittedly not the owner thereof.

2. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2 and Mr.Ramsundarvijayraj, learned counsel, accepts notice on behalf of the third respondent.

3. Learned counsel for the third respondent admits that the property bearing Survey No.802/15 is owned by the petitioner. As regards the property bearing Survey No.802/18 he contends that it is poromboke land, whereas such contention is refuted by learned counsel for the petitioner. In any event, learned counsel for the third respondent submits that such third respondent would be satisfied if a survey is undertaken in respect of Survey No.802/14, which is said to be a pathway.



4. In light of the aforesaid submissions, the first and second respondents herein are directed to undertake a survey of only the property bearing Survey No.802/14. It is made clear that the survey should not extend to the properties bearing Survey No.802/15 or Survey No.802/18.

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5. Accordingly, W.P.(MD).No.15320 of 2021 is disposed of with the above observations and without any order as to costs. Consequently, W.M.P.(MD).Nos.12213 and 12214 of 2021 are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tsg

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 Tahsildar,
Melur Taluk, Melur.

2.The Firka Surveyor,
Melur, O/O. Tahsildar,
Melur, Madurai District.

+1 CC to M/s.R.MURALI, Advocate (SR-27677[F] dated 31/08/2021)

+1 CC to M/s.GP (SR-27643[F] dated 31/08/2021)

W.P (MD) No.15320 of 2021
27.08.2021

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