



W.P.No.34812 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.34812 of 2022

P.Rajeswari

.... Petitioner

-Vs-

1.The Tahsildar
Pochampalli Taluk
Krishnagiri District – 635 206.

2.The Firka Surveyor
Pochampalli Taluk
Krishnagiri District-635 206.

3.Saravanan

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioner's objection dated 20.12.2022 before earmarking the boundaries.

For Petitioner : Mr.A.Sakthivel

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader – for RR 1 & 2

R3 – Notice dispensed with

ORDER



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The prayer sought for herein is for a Writ of Mandamus directing the 1st and 2nd respondents to consider the petitioner's objection dated 20.12.2022 before earmarking the boundaries.

2. It seems that the 3rd respondent had given an application to the 1st and 2nd respondents to survey his land and identify the four boundaries. The petitioner being the neighbouring / adjacent land owner, has got some objection with regard to the schedule as well as the extent of the land belongs to the 3rd respondent and hence the petitioner wanted to be heard at the time of survey of the land. However, despite the petitioner had given a representation on 20.12.2022, without hearing the petitioner it seems that the 1st and 2nd respondents have fixed the date for survey which falls today.

3. Since the petitioner's apprehension according to the learned counsel for the petitioner is that, without hearing the version of the petitioner if the 1st and 2nd respondents complete the survey as per the plea raised by the 3rd respondent with regard to the survey of the 3rd respondent's land, the petitioner's right would get affected and therefore she wants to be heard and that is why she has moved the present writ petition.

4. Heard the learned counsel for the petitioner and Mr.Yogesh



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Kannadasan, learned Special Government Pleader appearing for the respondents 1 and 2. In view of the order that is going to be passed in this writ petition, notice to the 3rd respondent is dispensed with.

5. Though the date of survey has been fixed as 23.12.2022 ie., today, if at all the survey is completed today, as the writ petition is moved only today, this Court feels that certainly the petitioner being the neighbouring / adjacent land owner, her views should be heard while surveying the land of the 3rd respondent.

6. Accordingly, this writ petition is disposed of with the following order.

- That the 1st and 2nd respondents should consider the objections given by the petitioner through her representation dated 20.12.2022 and refix the date of the survey of the land in question belonging to the 3rd respondent and on that date, by putting the petitioner on notice in advance, the petitioner also shall be heard and whatever documents she wants to file before the 1st and 2nd respondents, the same also shall be taken into account.



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R. SURESH KUMAR, J.

KST

- The 1st and 2nd respondents shall complete the survey in the presence of the petitioner.
- The needful as indicated above shall be undertaken on receipt of a copy of this order, within a period of four weeks thereafter.

7. With the above directions, this writ petition is disposed of. No costs.

23.12.2022

Index : Yes/No
Internet : Yes/No
KST

Note : Issue order copy on 02.01.2023

To

1.The Tahsildar
Pochampalli Taluk
Krishnagiri District – 635 206.

2.The Firka Surveyor
Pochampalli Taluk
Krishnagiri District-635 206.

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