



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.1758 of 2022

Selvin Francis

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3.The Firka Surveyor,
Nilakkottai Taluk,
Dindigul District.

4.Pandiyaraja

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to summon issued by the second respondent vide Na.Ka.3700/2021/S dated 20.01.2022 and to quash the same as illegal.

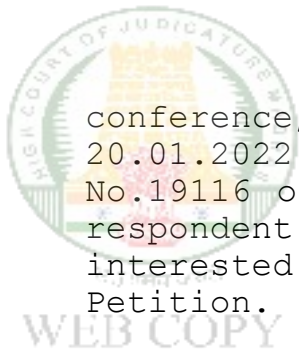
For Petitioner : Mr.M.Sankar
For R-1 to R-3 : Mr.D.Ghandiraj,
Special Government Pleader.

For R-4 : Mr.Ezhilarasu

ORDER

Heard Mr.M.Sankar, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader who had taken notice for respondents 1 to 3.

2. Even though notice had not been directed to the fourth respondent, learned counsel, Mr.Ezilarasu, appears through video



conference, in view of the fact that the impugned notice dated 20.01.2022 had referred to an earlier Writ Petition in W.P.(MD).No.19116 of 2021, which Writ Petition had been filed by the fourth respondent herein. Therefore, the fourth respondent is very much interested in the nature of the order passed in the present Writ Petition.

3. The Writ Petition as aforementioned questions the notice issued by the second respondent/ the Tahsildar, Nilakottai Taluk, Dindigul District calling upon both the petitioner and also the fourth respondent and also two others namely Kannan, son of Ramasamy and Joseph, son of Devasagayam to appear for an enquiry on 25.01.2022. I presume that the petitioner had not appeared for the enquiry. At any rate, the entire issue surrounds the land in Survey No.1092/2A2 measuring 1.34 acres at Sevuganpatti Village, Nilakottai Taluk, Dindigul District.

4. The fourth respondent, had filed W.P.(MD).No.19116 of 2021 for a Mandamus to survey the said property on the basis of a representation dated 13.10.2021. According to the learned counsel for the petitioner, the Writ Petition had been filed and the representation had been given suppressing the fact that the petitioner had already given a representation on 09.08.2021 to survey the very same lands. This Court by an order dated 28.10.2021 issued a Mandamus in W.P.(MD).No.19116 of 2021. Based on the said order of this Court, the second respondent had issued a notice which is now questioned by the petitioner herein.

5. It will only be appropriate that the petitioner, fourth respondent and all others to whom the notice had been issued appear before the Tahsildar. The petitioner is permitted to present the earlier representation given by him on 09.08.2021. The fourth respondent may also give his representation. On the basis of both the representations and after enquiring them, the Tahsildar may take a consider decision and pass necessary orders. The Tahsildar will also have taken into consideration the order in W.P.(MD).No.19116 of 2021.

6. It is the contention of the learned counsel, Mr.Ezhilarasu that if the petitioner is aggrieved by that order on the ground that the order had been obtained by suppression, then the petitioner should have filed necessary applications/appeal in manner known to law.

7. A direction is issued to the Tahsildar to enquire both the petitioner and the fourth respondent and everybody else and then pass necessary orders within a period of sixteen (16) weeks from the date of receipt of a copy of this order.



8. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar(Writs)

WEB COPY

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Nsr

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,
Dindigul District,
Dindigul.

2.The Tahsildar,
Nilakottai Taluk,
Dindigul District.

3.The Firka Surveyor,
Nilakkottai Taluk,
Dindigul District.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-3488[F] dated 01/02/2022)

+1 CC to M/s.SPL.GP (SR-3707[F] dated 02/02/2022)

**W.P. (MD) .No.1758 of 2022
01.02.2022**

na(CO)

TR(10.02.2022) 3P 6C