



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.6516 of 2022

and

W.M.P. (MD)No.5049 of 2022

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Dhanamani@Pappathi

... Petitioner

vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The District Surveyor,
Dindigul, Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk, Dindigul District.

4.D.Selvaraj

5.Suseela

6.Sebastin

7.Selviya

8.Amali

9.George

10.Rajathi

11.Gnanamani

12.Santhi

13.Jeyaseelan

14.Vijaya

15.Rajamanickam

16.S.Ashik Ahamed

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in A.Thi.Mu.No.S/4045/2021, dated 25.03.2022 and to quash the same and to direct the third respondent not to measure the petitioner's property bearing S.No.1115 of Vilpatti village, Kodaikanal Taluk, Dindigul District and hand over possession to the 16th respondent in violation of the order dated 19.01.2022 passed by this Court in W.P(MD) No. 18783 of 2021.

For Petitioner :Mr.M.Saravanan

For R1 to R3 :Mr.B.Saravanan

Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the impugned communication, dated 25.03.2022 issued by the third respondent

<https://hcservices.ecourts.gov.in/hcservices/>



calling upon the petitioner to attend survey and produce necessary documents.

2. According to the petitioner, the third respondent has not adhered to the order, dated 19.01.2022 passed by this Court in W.P. (MD)No.18783 of 2021 in letter and spirit. It is the contention of the petitioner that only after holding an enquiry, survey can be done by the third respondent. According to the petitioner, all the necessary parties will have to be heard and only thereafter, survey can be conducted. According to the petitioner, since the said procedure has not been followed, the petitioner was compelled to file this Writ Petition.

3. The learned Counsel for the petitioner drew the attention of this Court to the earlier order passed by this Court on 19.01.2022 in W.P. (MD)No.18783 of 2021 and in particular, he referred to paragraph-7 therein, which reads as follows:

"7. Irrespective of the fact, whether the suit is pending or not, a duty is cast on the Tahsildar to issue notices to everybody concerned before he proceeds to conduct survey of the lands in S.No.1115 in Vilpatti Village, Kodaikanal Taluk, Dindigul District. To make it very clear, the Tahsildar must issue notices not only to the writ petitioner/Dhanamani, but also to the fourth to sixteenth respondents in the Writ Petition. He must ensure that notices are served, all of them are heard and all of them are given proper opportunity for presenting the documents or any written representations and only thereafter, if he finds he has jurisdiction, he is directed to conduct survey under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923."

4. According to him, the above procedure has not been followed by the third respondent and without holding an enquiry, the third respondent commenced survey. The learned Counsel for the petitioner would submit that the petitioner will be satisfied, if the procedure to be followed, as laid down in paragraph-7 of the earlier order, dated 19.01.2022 in W.P. (MD)No.18783 of 2021 is satisfied by the third respondent.

5. The apprehension of the petitioner is that the said procedure has not been followed by the third respondent. There is nothing wrong on the part of this Court to reiterate the observation recorded by the learned Single Judge of this Court in the earlier order, dated 19.01.2022 in W.P. (MD)No.18783 of 2021.

6. Accordingly, this Writ Petition is disposed of by directing the third respondent to follow the procedure directed by this Court in its earlier order, dated 19.01.2022 in W.P. (MD)No.18783 of 2021 as observed in paragraph 7 of the said order. The third respondent



is directed to strictly adhere to the aforesaid direction. No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2022

Sub Assistant Registrar(CS)

cmr

To

1.The District Collector,
Dindigul District, Dindigul.

2.The District Surveyor,
Dindigul, Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk, Dindigul District.

+1 CC to M/s.SPL.GP (SR-17890[F] dated 11/04/2022)

+1 CC to M/s.R. SUBRAMANIAN, Advocate (SR-17433[F] dated 08/04/2022

W.P. (MD)No.6516 of 2022
07.04.2022

CK(CO)

KB(20.04.2022) 3P 6C