



W.P.(MD)No.12016 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.11.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.12016 of 2022

Kumaresan @ Raja, S/o.Stanislaus

.. Petitioner

Versus

1.The Tahsildar,
Madurai East Taluk,
Madurai District.

2.The Land Surveyor,
Madurai,
Madurai District.

3.Bharanidharan, S/o.R.Krishnamoorthy

.. Respondents

Prayer:-Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the first respondent in respect of the impugned notice, dated 08.06.2022, in respect of the property, comprised in S.No.31/2B, situated at Kathakinaru Village, Madurai District, quash the same the same as arbitrary, *ultra vires*, contrary to the principles of natural justice, *Audi Alteram Partem*.

For Petitioner : Mr.R.G.Shankar Ganesh

For Respondents 1 and 2 : Mr.D.Gandhiraj
Special Government Pleader

For 3rd Respondent : Mr.J.Jeyakumaran



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ORDER

The petitioner has prayed for issuance of a Writ of Certiorari, to quash the impugned notice of the first respondent, dated 08.06.2022, in respect of the property, comprised in S.No.31/2B, situated at Kathakinaru Village, Madurai District.

2. According to the learned counsel for the petitioner, the petitioner purchased Plot No.13, bearing R.S.No.3/2, measuring an extent of 1551 sq.ft. from one V.K.R.Vasudeva Perumal, through a registered sale deed, dated 14.10.2010. The petitioner had constructed a building in the said land and also obtained an electricity service connection and he is in possession and enjoyment of the said property. While so, the third respondent, who had purchased the property, comprised in S.F.No.31/2 through a registered sale deed, dated 19.09.2016, attempted to encroach upon the petitioner's property. Hence, the petitioner filed a suit in O.S.No.75 of 2022 before the District Munsif Court, Melur and the same is pending. While the things stood thus, the third respondent without the knowledge of the petitioner, has filed W.P. (MD)No.4637 of 2022, seeking to survey and fix the boundaries of the property in S.No.31/2B, situated at Kathakinaru Village, Madurai East Taluk, Madurai District. This Court, vide order dated 16.03.2022, while disposing of the said Writ Petition, directed the second respondent to survey and fix the



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boundaries of the property in question, after giving notice to the third respondent and rival claimants, if any, within a period of twelve weeks from the date of receipt of a copy of that order. Pursuant to the said order, the first respondent had issued a notice to the petitioner and others, directing them to appear before him on 15.06.2022 at 10.00 a.m. along with all the relevant documents in support of their claim in respect of the property in question. Challenging the said notice, the petitioner has filed the present Writ Petition for the relief stated supra.

3. The learned Special Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that pursuant to the order passed by this Court in W.P.(MD)No.4637 of 2022, dated 16.03.2022, the first respondent had issued a notice to the petitioner and others, directing them to appear before him on 15.06.2022 at 10.00 a.m. along with all the relevant documents in support of their claim in respect of the property in question. However, the petitioner did not turn up. If the petitioner appear before the first respondent and produce all the relevant documents in support of his claim, after considering the claim made by both parties, appropriate orders will be passed.



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4. Recording the aforesaid submission made by the learned Special Government Pleader appearing for the respondent, this Court, without going into the merits of the matter, directs the petitioner to appear before the first respondent on the date to be fixed by him and produce all the relevant documents. On receipt of the said documents, the first respondent shall consider the claim made by both the parties and pass appropriate orders on merits and in accordance with law, after providing an opportunity of hearing to all the necessary parties concerned, within a period of 16 weeks from the date of receipt of a copy of this order.

5. This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No
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24.11.2022

To

1.The Tahsildar,
Madurai East Taluk,
Madurai District.

2.The Land Surveyor,
Madurai,
Madurai District.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
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