



W.P.(MD)No.12580 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.12580 of 2022

Sathish Kumar

... Petitioner

Vs

1.The Tahsildar,
Karaikudi Taluk Office,
Karaikudi,
Sivagangai District.

2.The Surveyor (Devapatu & Kallal Village)
Karaikudi Taluk Office,
Karaikudi,
Sivagangai District.

3.Senthilnathan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from conducting survey in out Patta land in Patta No.75 in S.F.No.105/22 for an extend of 0.07.5 Hectare, in Patta No.32 in S.F. No.115/26A1 for an extend of 0.00.20 Hectare, Patta No.126 in S.F. No.115/26B1 for an extend of 0.00.55 Hectare, in Patta No.162 in S.F.No.83/1 for an extend of 0.32.50 Hectare, in Patta No.158 in S.F. No.271/1A for an extend of 0.32.50 Hectare, in Patta No.



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158 S.F. No.265/3C for an extend of 0.13.00 Hectare and Patta No.168 in S.F. No.52/1B for an extend of 0.02.00 Hectare is situated at Devapattu Village and Panchayat, Karaikudi Taluk, Sivagangai District without following any due process of law and on the basis of the petitioner's representation, dated 23.05.2022 within time bound manner.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.M.Prakash
Additional Government Pleader for R.1 & R.2

Mr.N.P.Ravichandran for R.3

ORDER

Heard the learned counsel on either side.

2. The third respondent wants the petition mentioned lands to be surveyed. The writ petitioner is opposing the same. The first respondent shall issue notice to the writ petitioner before conducting any survey. It is open to the petitioner to lodge his objections. If the petitioner's objections are tenable, the Tahsildar will relegate the third respondent to move the jurisdictional civil Court. If the first respondent finds the petitioner's objections to be not tenable, the first respondent will intimate the petitioner about the same but then conduct survey after a period of six weeks.



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3. In the meanwhile, it is open to the petitioner to move the jurisdictional Court for getting a restraint order. The petitioner, however, cannot expect the survey authorities not to hold the survey merely because the petitioner is not available physically.

4. This writ petition is disposed of. No costs.

05.08.2022

Index : Yes / No
Internet : Yes/ No
mga

To

- 1.The Tahsildar,
Karaikudi Taluk Office,
Karaikudi,
Sivagangai District.
- 2.The Surveyor (Devapatu & Kallal Village)
Karaikudi Taluk Office,
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G.R.SWAMINATHAN, J.

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