



W.P.(MD)No.24898 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.11.2022

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THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.24898 of 2022
and W.M.P.(MD)Nos.18999 and 19000 of 2022

Mohamed Gani, S/o.Abdul Kader

.. Petitioner

Versus

1.The District Collector,
Collectorate,
Dindigul.

2.The Revenue Divisional Officer,
Kodaikanal,
Dindigul District.

3.The Tahsildar,
Taluk Office,
Kodaikanal,
Dindigul District.

4.The Taluk Surveyor,
Kodaikanal,
Dindigul District.

5.Alamgeer, S/o.Baig

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned notice in Na.Ka.No.3094/2021/S, dated 20.10.2022, issued by the fourth respondent, quash the same as illegal and consequently,



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direct the fourth respondent not to survey and measure the land in S.No.208/50 in Vilpatti Village, Kodaikanal, till the disposal of O.S.No.97/2022, on the file of the District Munsif Court, Kodaikanal.

For Petitioner : Mr.N.Mohan
For Respondents 1 to 4 : Mr.D.Gandhiraj
Special Government Pleader
For 5th Respondent : Mr.Rajakarthikeyan

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, to quash the impugned notice in Na.Ka.No.3094/2021/S, dated 20.10.2022, issued by the fourth respondent, and consequently, direct the fourth respondent not to survey and measure the land in S.No.208/50 in Vilpatti Village, Kodaikanal, till the disposal of O.S.No.97/2022, on the file of the District Munsif Court, Kodaikanal.

2.Heard Mr.N.Mohan, learned counsel appearing for the petitioner, Mr.D.Gandhiraj, learned Special Government Pleader, who takes notice for the respondents 1 to 4 and Mr.Rajakarthikeyan, learned counsel, who takes notice for the fifth respondent.

3.From the material available on record, it is seen that already the petitioner has filed W.P.(MD)No.16399 of 2022, seeking to forbear the respondents 1 to 4 from in any manner conducting survey of his property



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comprised in old S.No.208 and sub-divided into 208/1 and in new S.No. 208/50, situated at Pallangi Village, Kompai Vilpatti, Kodaikanal, pursuant to the notice issued by the third respondent, vide his proceedings dated 09.06.2022, unless the petitioner's objections are considered in letter and spirit. This Court, vide order dated 26.08.2022, disposed of the said writ petition, by issuing the following directions:-

"(i) The third respondent is directed to issue notice to the writ petitioner and hear his objections.

(ii) If according to the third respondent, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.

(iii) If the jurisdictional authority finds objections to be having substance, then, he shall call upon the applicant to move the jurisdictional civil Court for agitating his rights.

(iv) If required, the survey authority is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection. No costs. Consequently, connected Miscellaneous Petition is closed."

4. When the third respondent attempted to survey the property in question on 20.10.2022, the petitioner has requested time till 31.10.2022 and



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gave a statement that he will abide by the decision taken by the Government.

Accordingly, the impugned notice dated 20.10.2022, has been issued for surveying the property in question on 02.11.2022. Challenging the said notice, the petitioner has filed this writ petition. This Court in the earlier writ petition in W.P(MD)No.16399/2022, dated 26.08.2022, has already made it clear that if before the proposed date of survey, the objector is unable to obtain any injunction order from the competent civil court, the survey can very well go on. Perusal of records also shows that the petitioner has not obtained any injunction order in O.S.No.97/2022 on the file of the District Munsif Court, Kodaikanal, filed by him. Therefore, in my considered opinion, the Writ Petition is not maintainable and the same is liable to be dismissed.

5. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected W.M.Ps. are closed.

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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