



W.P(MD)No.27341 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)No.27341 of 2022
and
W.M.P(MD)Nos.21445 & 21446 of 2022**

K.Thiruvenkadasamy

... Petitioner

VS.

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam Sub Division,
Theni District.

3.The Tahsildar,
Periyakulam Taluk,
Theni District.

4.The Block Development Officer,
Periyakulam Union,
Theni District.

5.The Taluk Surveyor,
Periyakulam,
Theni District.

6.P.Saravanan

... Respondents

1/6



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned communication bearing Na.Ka.No. 7162/2022/A6, dated 11.08.2022 on the file of the third respondent and quash the same as illegal and consequently direct the respondents 1 to 5 to conduct the enquiry on the petitioner's representation, dated 22.11.2022.

For Petitioner : Mr.R.Shankar Ganesh
For RR 1 to 3 & 5 : Mr.V.Nirmal Kumar
Government Advocate
For R – 4 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Challenging the impugned communication issued by the third respondent, dated 11.08.2022, the petitioner has filed the present Writ Petition.

2.Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the respondents 1 to 3 & 5 and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the fourth respondent.



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Having regard to the nature of the order proposed to be passed, notice to the sixth respondent is dispensed with.

3.The learned counsel appearing for the petitioner submitted that based on the complaint lodged by the sixth respondent stating that in the either side of the water channel there are encroachments, the third respondent issued a communication, dated 11.08.2022 to the fifth respondent to survey the place in question. Challenging the same, the petitioner has filed the present Writ Petition.

4.Heard the learned counsel appearing on either side.

5.Apprehending that under the guise of surveying the 'Odai', the authorities are going to remove the crops grown in the petitioner's agricultural fields which are situated adjacent to 'Odai' in question, the petitioner has challenged the impugned notice issued for surveying the aforesaid 'Odai'. In our opinion, such apprehension is unfounded, since the impugned notice is only an internal communication between the authorities. However, considering the apprehension of the petitioner, we direct the fifth respondent to survey the 'Odai' in question in the presence of the petitioner



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and thereafter, the petitioner is directed to give objection to the survey report and after considering the objection of the petitioner, the fifth respondent shall pass appropriate orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D.,J.] [J.S.N.P.,J.]
02.12.2022

Index : Yes / No
Internet : Yes
ps



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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DATED : 02.12.2022