



W.P.No.3860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.3860 of 2023
and WMP.No.3936 of 2023

Natarajan

... Petitioner

-Vs-

1. The Tahsildar,
Thiruthuraipoondi Taluk,
Tiruvarur District.
2. The Firka Surveyor,
Muthupettai Revenue Zone,
Thiruthuraipoondi Taluk,
Tiruvarur District.

3. Aravindhan

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the objection made by the petitioner by way of representation dated 26.01.2023 regarding survey of the land comprised in S.No.91/5 situated at Uppur Village, Thiruthuraipoondi Taluk, Tiruvarur District forthwith.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mrs.N.Senthil Selvi
Government Advocate [R1 & R2]



W.P.No.3860 of 2023

ORDER

The prayer sought for herein is for a writ of Mandamus directing the respondents 1 and 2 to consider the objection made by the petitioner by way of representation dated 26.01.2023 regarding survey of the land comprised in S.No.91/5 situated at Uppur Village, Thiruthuraipoondi Taluk, Tiruvarur District forthwith.

2. In respect of the land at S.No.91/5 situated at Uppur Village, Thiruthuraipoondi Taluk, Tiruvarur District, it seems that the first respondent has issued a notice to the petitioner being a neighboring land owner of surveying the land, however, that has been objected by the petitioner through his representation dated 26.01.2023 and to consider the said objection/representation, the petitioner has moved the present writ petition.

3. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner and Mrs.N.Senthil Selvi, learned Government Advocate appearing for the first and second respondents.

4. In view of the order going to be passed in this writ petition,



W.P.No.3860 of 2023

notice to the third respondent is hereby dispensed with.

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5. Some objection has been raised through the said representation of the petitioner, where he has raised that, it would affect the temple land, which is worshiped by the village people for more than 100 years, therefore, whether the objection raised by the petitioner has to be sustained or not can be decided by the first respondent after giving an opportunity of being heard to both the petitioner as well as the third respondent and accordingly, the said objection can be considered and decided on merits and in accordance with law and thereafter, it is open to the first and second respondents to proceed with the survey of the land, if the objection is overlooked.

6. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order:

That there shall be a direction to the first respondent to consider the objection given by the petitioner dated 26.01.2023 and after giving an opportunity of being heard to



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W.P.No.3860 of 2023

R. SURESH KUMAR, J.

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both the petitioner as well as the third respondent, that shall be decided by the first respondent as to whether the objection raised by the petitioner is to be sustained or not and thereafter, proceed to survey the land as claimed by the third respondent if the objection given by the petitioner is not sustained.

With this direction, this writ petition is disposed of. No costs.

10.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp

To

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Writ Petition No.3860 of 2023