



WEB COPY

W.P.No.879 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.879 of 2018

and

W.M.P.Nos.1063 & 1064 of 2018

K.V.Komarasamy

... Petitioner

Vs.

1.The Revenue Tahsildhar,
Anthiyur,
Anthiyur Taluk,
Erode District.

2.Mrs.Kavitha

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order dated 08.01.2018 having reference Petition No.150/2017/s1 passed by the 1st respondent and quash the same and pass such further or other orders to meet the ends of justice and award cost and thus render justice.



For Petitioner : Mr.E.P.Senniyangiri
For R1 : Mr.G.Krishna Raja
Additional Government Pleader
For R2 : Mr.S.Ram Prabhu
For Mr.S.P.Yuaraj

ORDER

The order impugned dated 08.01.2018 states that the notice was issued pursuant to the directions issued by this Court in W.P.No.26647 of 2017 dated 12.10.2017.

2. The Revenue Tahsildar issued the impugned notice for the purpose of conducting survey. Since the son of the petitioner raised an objection, the petitioner has chosen to file the present writ petition.

3. The impugned notice was issued in the year 2018 and now five years lapsed. Thus, the relevance indicated in the impugned order is lost and therefore, no further consideration is required.

4. It is needless to state that under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923, the Government Authorities may conduct



survey only if there is no objection from any other person. In the event of any other objection, the parties are to be relegated to approach the Competent Civil Court of Law for the purpose of resolving the issues. The Government cannot forcibly conduct survey over ruling the objection and therefore, question of conducting survey in respect of the subject property at this length of time would not arise at all.

5. Accordingly, this Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

01.08.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

The Revenue Tahsildhar,
Anthiyur,
Anthiyur Taluk,
Erode District.



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S.M.SUBRAMANIAM, J.

Jeni

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