



W.P.No.8442 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8442 of 2023

and

W.M.P.No.8633 of 2023

D.Rajasekar

... Petitioner

Vs.

1. The District Collector,
Dharmapuri District, Dharmapuri.

2. The District Revenue Officer,
Dharmapuri District, Dharmapuri.

3. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

4. G.Shanthi,

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records leading to the passing of the impugned order in Na.Ka. No.18/2023/ A4, dated 06.03.2023 of the 3rd respondent and quash the same and consequently issue a direction to the 1st to 3rd respondents to conduct a de novo enquiry by giving reasonable opportunity to all



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concerned and by reference to all documents in the form of Sale Deeds,
Revenue Records.

For Petitioner : Mr.V.Elangovan

For Respondents
(for R1 to R3) : Mr.G.Krishna Raja
Additional Government Pleader
(for R4) : Mr.G.Selvaraj

ORDER

The petitioner raised an objection to conduct survey in respect of the subject property based on the application submitted by the 4th respondent. The said objection filed by the petitioner was rejected by the Tahsildar on the ground that there is no basis for the objection raised by the writ petitioner.

2.The learned Additional Government Pleader brought into notice of this Court that a Civil Suit has already been instituted in O.S.No.80 of 2010 and the said suit is pending. During the pendency of the civil suit, the survey authorities cannot conduct survey of the properties which is the subject matter of the civil suit.



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3.If at all, a land is to be surveyed, the parties to the suit are at liberty to file an appropriate application before the Civil Court of Law.

Therefore, this Court do not find any infirmity in respect of the order passed by the Tahsildar and the petitioner is at liberty to approach the Civil Court for the purpose of redressal of his grievances.

4.With these observations, the writ petition stands **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

21.08.2023



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S.M.SUBRAMANIAM. J.,

(sha)

To

1. The District Collector,
Dharmapuri District, Dharmapuri.
2. The District Revenue Officer,
Dharmapuri District, Dharmapuri.
3. The Tahsildar,
Pennagaram Taluk,
Dharmapuri District.

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