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W.P. No.9608 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.03.2023

Coram:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**W.P. No.9608 of 2023
and W.M.P.No.9658 of 2023**

1.Manickam
S/o Rasa Gounder

2.Durai
S/o Manickam

3.Kutty @ Muniraj
S/o Manickam

... Petitioners

Vs.

1.The District Collector
Dharmapuri District
Dharmapuri.

2.The Revenue Divisional Officer
Palacode Taluk
Dharmapuri.

3.The Tahsildar
Palacode Taluk
Dharmapuri.

4.The Taluk Surveyor
Palacode Taluk
Dharmapuri.

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5.The Village Administrative Officer
Giddanahalli Village
Palacode Taluk.

6.Chadromoulieswaran
S/o Subramanian

7.M.Palanisamy
S/o Murugan

8.Aruna
W/o G.Selvaraj
Respondents

...

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents 1 to 5 from conducting survey in S.F.No.112/5 situated at Madhehalli Village, Pennagaram Taluk, Dharmapuri District, without providing opportunity of being heard to the petitioners in lieu of petitioner objection dated 21.03.2023.

For Petitioners : Mr.M.Guruprasad
For Respondents : Mr.P.Sathish, AGP for RR1 to 5

ORDER

By consent of both the learned counsel on either side, this Writ Petition is taken up for final hearing at the admission stage itself.

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2.The petitioners have filed the present Writ Petition to forbear the respondents 1 to 5 from conducting survey in S.F.No.112/5 situated at Madhehalli Village, Pennagaram Taluk, Dharmapuri District.

3.The learned counsel for the petitioners would submit that the 7th respondent herein already filed a Writ Petition in W.P.No.31975 of 2022 seeking a Mandamus, directing the 2nd respondent therein to measure and sub-divide the property and issue separate patta in the name of petitioner therein, for the property comprised in Survey No.112/5 to an extent of 1.17.36 hectares (2.90 acres) Punja land situated at Madhehalli Village, Pennagaram Taluk, Dharmapuri District and this Court by an order dated 30.11.2022 passed the following direction:-

“6. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, direct the second respondent to consider the petitioner's representation dated 25.07.2022 and take necessary steps to survey the land and pass appropriate orders on merits



and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.”

4.The learned counsel would further submit that in respect of the subject property, suit has already been filed and it is pending. Thus, the 7th respondent, while filing the W.P.No.31975 of 2022, has not disclosed the fact that the suit is pending and obtained a speaking order. Therefore, the learned counsel for the petitioners prayed to give them an opportunity, while surveying the land in S.F.No.112/5, as per the order of this Court dated 30.11.2022 in W.P.No.31975 of 2022.

5.Heard the learned counsel for the petitioners and the learned Additional Government Pleader appearing for the respondents 1 to 5.

6.Though the petitioners have come forward with a larger prayer, this Court without expressing any opinion on the merits of the matter, directs the respondents 1 to 5, to give an opportunity to the petitioners herein, while surveying the land in S.F.No.112/5 situated at Madhehalli Village, Pennagaram Taluk, Dharmapuri District.



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WEB COPY 7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

28.03.2023

Index: Yes/No

Internet: Yes/No

Speaking Order: Yes/No

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Note: Registry is directed to issue certified copy of this order, after the requisite Court Fee is paid for each of the petitioners.

To

1. The District Collector
Dharmapuri District
Dharmapuri.

2. The Revenue Divisional Officer
Palacode Taluk
Dharmapuri.

3. The Tahsildar
Palacode Taluk
Dharmapuri.

4. The Taluk Surveyor
Palacode Taluk
Dharmapuri.

5. The Village Administrative Officer
Giddanahalli Village
Palacode Taluk.

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J.NISHA BANU, J.,

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