



WEB COPY



W.A.No.1848 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.A.No.1848 of 2023

Sivaprakasam

.. Appellant

Versus

1. The Tahsildar,
Mettur Taluk,
Mettur, Salem District.

2. The Survey Inspector / Taluk Surveyor,
O/o. Tahsildar, Mettur,
Salem District.

3. Periyannan

.. Respondents

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order, dated 28.06.2022 made in W.P.No.16114 of 2022.

For Appellant : Mr.B.Gopalakrishnan

For Respondents : Mrs.R.Anitha,
Special Government Pleader,
for RR-1 and 2



WEB COPY



W.A.No.1848 of 2023

: R3 - Notice served



W.A.No.1848 of 2023

JUDGMENT

(Judgment delivered by the Hon'ble Chief Justice)

WEB COPY

Heard Mr.B.Gopalakrishnan, learned Counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the respondents 1 and 2.

2. The learned Counsel for the appellant submits that the impugned order was passed without impleading the appellant as a party. The appellant is the beneficiary of the subject writ property.

3. The Court, while disposing of the Writ Petition, observed that it was not expressing any opinion on merits and directed to consider the third respondent's representation to conduct survey, measure the property and pass appropriate orders.

4. When the Court had directed to pass appropriate orders, that would mean to pass orders after following the principles of natural justice and the procedure of law. Before taking any decision, the Government shall also give notice to the appellant and consider the objections of the appellant, if any.



W.A.No.1848 of 2023

WEB COPY

5. With this clarification, this Writ Appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.No.16176 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

17.10.2023

Index : yes/no

Speaking order/Non-speaking order

Neutral Citation : yes/no

grs

To

1. The Tahsildar,
Mettur Taluk,
Mettur, Salem District.
2. The Survey Inspector / Taluk Surveyor,
O/o. Tahsildar, Mettur,
Salem District.



W.A.No.1848 of 2023

**THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.**

grs

W.A.No.1848 of 2023

17.10.2023