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W.P.(MD)NO.1531 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1531 of 2023

Alavudeen

... Petitioner

Vs.

1. The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.

2. The Taluk Surveyor,
Manamelkudi Taluk,
Pudukottai District.

3. Arjunan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to supply the documents relied upon by the 3rd respondent to enable the petitioner to make his objection at the time of survey of the land in Survey No.183/7C, situated at Mumbalai, Vadakkammapattinam Village, Manamelkudi Taluk, Pudukkottai District, by considering his representation dated 10.01.2023.

For Petitioner : Mr.T.Lenin Kumar

For R-1 & R-2 : Mr.M.Lingadurai,
Special Government Pleader.

* * *



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ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 and 2.

2. Considering the nature of relief to be granted, issuance of notice to the third respondent is dispensed with.

3. The petitioner and the third respondent are adjacent land owners. The third respondent has given an application for conducting survey and measurement in respect of his property. The petitioner has objections. The petitioner now wants the Tahsildar to furnish copies of the document relied on by the third respondent.

4. This Court used to give directions to the survey authority or the Tahsildar to conduct enquiry before carrying out the survey. This can only be a summary enquiry. The petitioner has objections over the survey to be done at the instance of the third respondent.



5. The petitioner has to place his objections. The survey authority to take a call in the matter. In any event, the rights of the petitioner are duly protected. The Tahsildar cannot straightaway conduct survey immediately after the conclusion of the enquiry. Breathing time of six weeks is given to the aggrieved party. It is of course open to the petitioner to move the jurisdictional civil Court and obtain an interim order. Since the rights of the parties are more than protected, the direction sought for need not be granted.

6. This writ petition stands disposed of. No costs.

27.01.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

1. The Tahsildar,
Manamelkudi Taluk,
Pudukottai District.
2. The Taluk Surveyor,
Manamelkudi Taluk,
Pudukottai District.



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G.R.SWAMINATHAN,J.

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