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W.P.(MD)No.2570 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.2570 of 2023

in

W.M.P.(MD)No.2333 of 2023

S.Radha

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The District Revenue Officer,
Madurai District.

3.The Tahsildar,
West Taluk Officer,
Madurai District.

4.The Taluk Surveyor,
West Taluk, Nagamalai Pudukkottai,
Madurai District.

5.P.Murugesan

6.M.Kasthuri

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice dated 27.12.2022 passed by the respondent No.4 and quash the same as illegal and consequently forbear the respondent No.3 and 4 from surveying the petitioner property in Old S.No. 186/5C1A New S.No. 186/28, in Thuvariman Village, Madurai West Taluk, Madurai District, till the disposal of the patta cancellation proceedings pending on the file of the 2nd respondent.

For Petitioner : Mr.K.Dinesh
For R1 to R4 : Mr.M.Lingadurai
Special Government Pleader.
For R5 and R6 : Mr.B.A.Muruganantham

* * *

ORDER

Heard the learned counsel on either side.

2.The Taluk Surveyor proposes to conduct survey based on the application given by the respondents 5 and 6. The notices dated 02.02.2023, the survey is to be held on 08.02.2023. The petitioner questions the issuance of the survey notice. The petitioner has already given his objections.



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3.The Tahsildar / third respondent shall consider the objections and pass appropriate orders on merits and in accordance with law after hearing both the parties. If the Tahsildar sustains the petitioner's objection, then it is a different matter. If the Tahsildar rejects the petitioner's objection, then survey will not be done immediately. A period of six weeks breathing time will be given. The petitioner has already filed a civil suit in O.S.No.58 of 2023 before the Subordinate Court, Thirumangalam. The petitioner can very well apply for an interim order, for restraining the survey authorities from conducting survey.

4.With the aforesaid directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

08.02.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

Note: Issue order copy on **09.02.2023**

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G.R.SWAMINATHAN,J.

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- 3.The Tahsildar, West Taluk Officer, Madurai District.
- 4.The Taluk Surveyor, West Taluk, Nagamalai Pudukkottai,
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