



W.P(MD)No.6291 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.6291 of 2023

and

W.M.P(MD)Nos.5978 and 5979 of 2023

A.Malaisamy

... Petitioner

Vs.

1.The District Revenue Officer,
Collectorate, Madurai District,
Madurai District.

2.The Tahsildar,
Madurai East Taluk Office,
Y.Narasingam Post,
Madurai District.

3.The Surveyor,
Madurai East taluk Office,
Y.Narasingam Post,
Madurai District.

4.The Inspector of Police,
Y.Othakadai police station,
Y.Othakadai post,
Madurai District.

5.P.Aandisamy

6.A.Selvakumar

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari call for the records in pursuant to the impugned notice issued by the second respondent in FL.No.245/2022 dated 28.02.2023 and quash the same.

For Petitioners : Mr.M.Saravanakumar

For R1 to R4 : Mr.D.S.Nedunchezian
Government Advocate

For R5 : Mr.Kishore Kumar

ORDER

The writ petition has been filed in the nature of Certiorarified Mandamus seeking interference with a notice issued by the second respondent/Tahsildar, Madurai East Taluk Office, Madurai dated 28.02.2023 in FL.No.245/2022. By the said notice, the second respondent had directed appearance of the parties for conducting survey in Survey Nos. 530/3E2, 532/3,4,5,10A,16A,16B, 534/8, 535/3, 530/3C, 553/2, 187/1c1A at Mangulam Pit-II Village, Madurai. The said notice was issued consequent to an order of the learned Single Judge of this Court in W.P.(MD)No.3355 of 2022 dated 22.02.2022 (*P.Andichamy Vs Tahsildar, Madurai East Taluk, Y.Othakadai, Madurai, and another*).



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2. The learned counsel for the petitioner stated that the petitioner was not a party to the writ petition and without ordering notice to the petitioner herein and without showing the petitioner as a party, the said order has been obtained.

3. Let me not enter into any detailed discussion with the particular fact but place an obligation on the second respondent to get a fresh representation from any one of the parties who seek the lands to be surveyed and thereafter proceed further after issuing notice to all concerned, including specifically the petitioner herein. To that extent, the impugned notice is set aside. If at all a fresh application is made, for survey of the lands then the second respondent may issue notice to the petitioner A.Malaisamy and the fifth and sixth respondent P.Andisamy/father of the petitioner and A.Selvakumar, another brother of the petitioner herein. Let the principles of natural justice be followed and all parties be heard. This notice is set aside and as stated if a fresh application is made, a fresh notice may be issued. The second respondent may also keep in mind about the pendency of a civil suit among the parties and then take a decision about conducting survey.



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4. This Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.04.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

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C.V.KARTHIKEYAN, J.

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