



W.P(MD)No.10821 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.10821 of 2023

and

W.M.P(MD)Nos.9502 & 9503 of 2023

1.S.Joseph @ Jeganathan

2.Chandra

3.Muniyammal

... Petitioners

Vs.

1.The District Collector
Tenkasi District.

2.The Tahsildar
Sivagiri Taluk,
Tenkasi District.

3.The Taluk Circle Sub-Inspector of Survey,
Sivagiri Taluk,
Tenkasi District.

4.The Inspector of Police
Vasudevanallur,
Tenkasi District.



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5.M.Sundarammal

6.Samuthirakani

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice, dated 18.04.2023 issued by the third respondent and quash the same and consequently, direct the respondents 1 to 4 to consider the petitioners' objection dated 15.04.2023.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.N.Muthu Vijayan -for R1 to R4

Special Government Pleader

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking interference with the notice issued by the second respondent / Tahsildar, Sivagiri Taluk, Tenkasi District, who had issued notice consequent to an order of a learned Single Judge, dated



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03.02.2023 in W.P.(MD) No.2176 of 2023, M.Sundarammal and Samuthirakani Vs. The Tahsildar, Sivagiri Taluk, Tenkasi District and others.

2. In that particular Writ Petition, a learned Single Judge of this Court had directed that survey should be conducted of the property mentioned therein, namely plot Nos.71 to 74 in Survey Nos.1114/1, 1114/3 which the petitioners therein claimed belongs to them and to the respondents 4 to 6 therein. The respondents 4 to 6 therein were Akbar, Joseph @ Jaganathan and Chandra.

3. The present Writ Petition has been filed by Joseph @ Jaganathan, Chandra and Muniyammal. It is stated by the learned counsel for the petitioners that they obtained information through Right Information Act that the aforementioned property is actually a pathway. The Tahsildar had issued notice and it is claimed that the petitioners had given objections and in spite of such objection, notice had been issued. The Tahsildar is bound by the orders of the Court. The order of the Court is to conduct survey. The order of the Court is to receive



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objections. The order of the Court was that if required, police protection should be obtained and survey to be conducted. The Tahsildar is bound to act in accordance with the order dated 03.02.2023 in W.P.(MD) No.2176 of 2023. The petitioners cannot curtail that by filing a Writ Petition. The Writ Petition is not maintainable. The relief sought in the Writ Petition cannot be granted by this Court.

4. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

28.04.2023

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

RM



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To
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C.V.KARTHIKEYAN, J.

RM

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