



W.P(MD)No.17087 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :15.02.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17087 of 2022

and

W.M.P.(MD)No.12454 of 2022

Palanivel

... Petitioner

Vs.

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

2.The Thasildar,
Thirumangalam Taluk,
Thirumangalam,
Madurai District.

3.The Head Surveyor,
Thasildar Office Building,
Thirumangalam,
Madurai District.

4.Kottairaman

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 2nd and 3rd Respondents from surveying the petitioner land in Survey No.42/9A (Old Survey No.381/9) measuring to an extent of 0.53 Acre situated at Sathankudi



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Village, Thirumangalam Taluk, Madurai District till the disposal of petitioner application dated 16.09.2021 pending on the file of the 1st respondent.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.A.K.Manikkam,
Spl. Government Pleader for R1 to R3.
Mr.S.M.Arun Kumar for R4.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants this Court to forbear the official respondents from surveying the petition mentioned lands. The petitioner has come to this Court prematurely. However, I do not want to non-suit him on this ground. As and when any survey is proposed to be conducted in respect of the petition mentioned lands, the petitioner will be put on notice. If the petitioner lodges any objection, a speaking order will be passed thereon by the second respondent. I have consistently held that even if objections are overruled, survey shall not be done immediately. The petitioner will be given breathing time of six weeks before survey is conducted even his objections are overruled.



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3.It is stated that the petitioner has given a representation dated 16.09.2021 before the first respondent. The first respondent is directed to dispose of the petition mentioned representation on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. The second respondent shall put the interested persons including the fourth respondent on notice before passing final order. It is open to the second respondent to pass order one way or the other.

4.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

15.02.2023

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

- 1.The District Revenue Officer,
Madurai District, Collectorate,
Madurai.
- 2.The Thasildar, Thirumangalam Taluk,
Thirumangalam, Madurai District.
- 3.The Head Surveyor,
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G.R.SWAMINATHAN, J.

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