



W.P.(MD)No.17731 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17731 of 2023

and

W.M.P.(MD)Nos.14806 and 14807 of 2023

V.S.Kaliyappan

... Petitioner

versus

1. The Tahsildar,
Taluk Office,
Oddanchathiram Taluk,
Dindigul District.

2. The Taluk Surveyor,
Taluk Office,
Oddanchathiram Taluk,
Dindigul District.

3. Chellamuthu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned Notice dated 12.07.2023 issued by the 2nd respondent and quash the same and thereby direct the 1st and 2nd



W.P.(MD)No.17731 of 2023

respondents to consider and pass order on the representation of the petitioner dated 01.07.2023 within the stipulated time.

For Petitioner : Mr.B.Rajesh Saravanan

For R1 and R2 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

This writ petition is filed as against the notice dated 12.07.2023 issued by the second respondent/the Taluk Surveyor, Oddanchathiram Taluk, calling upon the petitioner to offer his explanation, if any. By the impugned notice dated 12.07.2023, the second respondent has also intimated the petitioner that pursuant to the order of this Court dated 25.04.2023 passed in W.P.(MD)No.9833 of 2023, survey would be conducted for the land in Survey No.336/1B1, 1B2, 1B3 of K.Keeranur Village, Oddanchathiram Taluk, on 21.07.2023.

2. The learned counsel appearing for the petitioner submits that the 3rd respondent, without impleading him as a necessary party and by suppressing certain material facts, filed a writ petition before this Court



W.P.(MD)No.17731 of 2023

in W.P.(MD)No.9833 of 2023 and obtained an order behind his back on 25.04.2023 to measure the land in Survey Nos.336/1B1, 1B2, 1B3 of K.Keeranur Village, Oddanchathiram Taluk. Knowing that the 3rd respondent has obtained an order, the petitioner has also submitted his objection for surveying the land on 01.07.2023. Considering the objection of the petitioner, the second respondent has proceeded to survey the land pursuant to the order passed by this Court in W.P. (MD)No.9833 of 2023 and issued the impugned notice intimating that survey would be conducted on 21.07.2023.

3. When this writ petition is taken up for admission, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the official respondents, on instructions, submits that pursuant to the order of this Court dated 25.04.2023 in W.P. (MD)No.9833 of 2023, survey was conducted for the land in Survey No.336/1B1, 1B2, 1B3 and it was also found that the petitioner has encroached an extent of 2.50 cents in the said land.



W.P.(MD)No.17731 of 2023

WEB COPY 4. This Court considered the rival submissions made and perused the materials placed on record.

5. The 3rd respondent has approached this Court that his application for survey was not considered by the second respondent. This Court, by order dated 25.04.2023, has directed the second respondent to conduct survey within a stipulated time. Thereafter, it appears that the respondents have issued notice to the petitioner on 12.07.2023 and survey was conducted on 21.07.2023. The notice dated 12.07.2023 was also issued by way of a registered post to the petitioner. Even before the notice dated 12.07.2023, the petitioner, who was aware of the order passed by this Court in W.P.(MD)No.9833 of 2023 dated 25.04.2023, has not preferred to file any appeal as against that order. He has also submitted his objection on 01.07.2023.



W.P.(MD)No.17731 of 2023

6. The grievance of the petitioner is that his objection was not considered by the respondents. Whenever there is a dispute on the boundaries of the land, the concerned Survey Officer has to issue a notice to the objectors as per Section 10(i) of the Tamil Nadu Survey and Boundaries Act, 1923 and he is expected to conduct an enquiry and record his findings in writing.

7. However, it appears that the second respondent has proceeded to conduct survey, based on the directions which has already been issued by this Court in W.P.(MD)No.9833 of 2023 dated 25.04.2023. The petitioner has already submitted his objections on 01.07.2023, however, no order was passed by the second respondent.

8. Considering the fact that survey has already been completed on 21.07.2023 and the petitioner has also raised certain objections, with regard to the conduct of survey, on 01.07.2023, the second respondent shall pass orders on the petitioner's objections enabling him to prefer an



W.P.(MD)No.17731 of 2023

appeal as contemplated under the Tamil Nadu Survey and Boundaries Act, 1923. Let the enquiry be conducted by the second respondent based on the objection of the petitioner and orders be passed in writing prescribing the Prescribed Officer with whom he can prefer an appeal. Let the exercise be completed within a period of six weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.07.2023

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



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To

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2. The Taluk Surveyor,
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W.P.(MD)No.17731 of 2023



WEB COPY



W.P.(MD)No.17731 of 2023

B.PUGALENDHI, J.

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W.P.(MD)No.17731 of 2023

24.07.2023