



W.P.(MD)No.18325 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18325 of 2023

Rajamani

... Petitioner

versus

1. The District Collector,
Pudukkottai,
Pudukkottai District.

2. The Thashildhar,
Thirumaiyam,
Pudukkottai District.

3. The Surveyor,
Thirumaiyam,
Pudukkottai District.

4. Nagamani

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the 2nd respondent to direct the 3rd respondent for restraining to survey the petitioner's land in Survey No.128/24 for an extent of 0.32.0 Ares of Lembalakudi Village, till the disposal of O.S.No.96 of 2019 on the file of the Learned District Munsif cum Judicial Magistrate, Thirumayam,



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Pudukkottai District based on the petitioner's representation dated 30.06.2023.

For Petitioner : Mr.N.Palaniyandi
For R1 to R3 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for a Mandamus restraining the official respondents from conducting survey on the application made by the 4th respondent.

2. According to the learned counsel for the petitioner, 4th respondent has filed a writ petition before this Court in W.P. (MD)No.8641 of 2023, without adding the petitioner as a party to the writ proceedings and obtained an order of this Court dated 17.04.2023, behind his back, for conducting survey. Based on the order of this Court dated 17.04.2023, the official respondents are proceeding with survey. The petitioner is having certain objections regarding survey of land. Therefore, the petitioner has filed this writ petition that the earlier order of this Court dated 17.04.2023 has been passed without any



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notice to him and therefore, he must be provided an opportunity before the Survey.

3. If the petitioner is having any objection regarding survey to be conducted by the official respondents, he is having a right to raise all his objections before the Survey Officer. Since the petitioner is having certain objections, the third respondent/the Surveyor, Thirumaiyam, shall issue a notice to the petitioner and other adjacent land owners, under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and if any objection is received, shall consider the same and pass necessary orders. If the objections are not valid, the third respondent shall proceed with survey.

4. Accordingly, the writ petition is disposed of. No costs.

28.07.2023

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



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B.PUGALENDHI, J.

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