



W.P.(MD)No.18608 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.18608 of 2023

and

W.M.P.(MD)No.15445 of 2023

M.Rajarathinam

... Petitioner

versus

1. The District Collector,
O/o. The District Collector,
Trichy District.
2. The District Revenue Officer,
O/o. The District Revenue Officer,
Trichy District.
3. The Commissioner,
Trichy Corporation,
Trichy District.
4. The Assistant Director,
Department of Survey,
Trichy District.
5. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Trichy District.



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6. The Tahsildar,
Trichy West Taluk,
Trichy District.

7. M.Kandasamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 6 not to conduct survey in the petitioner's property comprised in old T.S.No.4/2 in New T.S.No.5/1A1A1A/1A7 to 1A12 in Block No.21 of Abisekapuram of Trichy Town of Trichy District, which is the subject matter of the suit in O.S.No.160 of 2019 before the District Judge, Trichy District.

For Petitioner	: Mr.S.Ramsundarvijayaraj
For R1, R2, R4 to R6	: Ms.D.Farjana Ghoushia, Special Govt. Pleader
For R7	: Mr.Niranjana S.Kumar

ORDER

The petitioner claims that he purchased a house plot, to an extent of 2400 sq. ft. situated in T.S.No.5/1A1A1A/1A10 to 1A11part, by way of a registered sale deed dated 18.06.1990. Now, the grievance of the petitioner is that the 7th respondent had filed a writ petition in W.P.



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(MD)No.24382 of 2022, without impleading him as a party to the writ petition and obtained an order from this Court to survey the land in T.S.No.5/1A1A1A/1A7 to 1A12, behind his back. Therefore, he has filed this writ petition for a Mandamus, directing the respondents not to survey the land without providing him an opportunity.

2. Ms.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for Revenue Officials, submits that pursuant to the order of this Court passed in W.P.(MD)No.24382 of 2022, dated 24.02.2023, notice has been issued to the adjacent land owners on 06.06.2023.

3. However, it appears that the notice has not been issued to the petitioner. The petitioner claims that he is having title over the property in Survey No.T.S.No.5/1A1A1A/1A10 to 1A11part. Therefore, he can very well raise his written objections before the concerned Survey Officer. If the petitioner submits his written



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objections, the concerned Survey Officer shall treat the same as objections received under Section 10(1) of the Tamil Nadu Survey and Boundaries Act, 1923 and after considering the same, take a further course of action in accordance with law.

4. The petitioner need not wait for any notice from the concerned Survey Officer. The petitioner shall file his objections along with a copy of this order and the relevant documents, if any, before the concerned Survey Officer, on or before 08.08.2023.

5. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

02.08.2023

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

Note: Issue order copy on 04.08.2023.



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To
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B.PUGALENDHI, J.

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