



WP (MD) No.19259 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP (MD) No.19259 of 2023

and

WMP (MD) No.15957 of 2023

Vellaichamy

... Petitioner

Vs

1.The Tahsildar,
Manamadurai Tahsildar Office,
Manamadurai District.

2.The Taluk Surveyor,
Manamadurai Taluk,
Sivagangai District.

3.Rappani

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of mandamus, directing the respondent Nos.1 and 2 to forbear the survey in favour of the 3rd respondent in the petitioner's own property based on the objection petition of the petitioner on 05.07.2023 within a stipulated time that may be fixed by this Court.

For petitioner : Mr.S.Balasubramanian

For Respondent : Mr.PT.Thiraviam,

Nos.1 and 2

Government Advocate



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ORDER

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The petitioner is having a grievance that the 3rd respondent by suppressing the decree obtained by the petitioner in OS.No.185 of 1990, dated 23.01.1992, which was confirmed by judgment and decree dated 23.11.1994 passed in AS.No.54 of 1993 by the learned District Judge, Sivagangai District and the judgment and decree dated 17.06.2009 passed in SA.No.246 of 1997 by this Court, has submitted an application for survey the land in S140/1A 17 and filed a writ petition before this Court in WP(MD)No.8399 of 2019 and obtained an order for survey. Accordingly the respondents are taking steps to survey the land. Therefore, this writ petition is filed for a mandamus forbearing the respondents 1 and 2 from surveying the land based on his objections dated 05.07.2023.

2.The learned Additional Government Pleader appearing for the official respondents submits that based on the orders of this Court, the respondents have proceeded with the application filed by the 3rd respondent and issued notice to the petitioner on 21.06.2023 under



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Section 10(1) of the Tamil Nadu Survey and Boundaries Act, 1923. The petitioner has made his objections on 05.07.2023, the same is under consideration and decision would be taken within a reasonable time.

3.Recording the above submission of the learned Additional Government Pleader, this writ petition is disposed of with a direction to the 1st respondent to pass appropriate orders on the 3rd respondent's application by considering the petitioner's objections dated 05.07.2023 in accordance with law within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

09.08.2023

dsk

To

- 1.The Tahsildar,
Manamadurai Tahsildar Office,
Manamadurai District.
- 2.The Taluk Surveyor,
Manamadurai Taluk,
Sivagangai District.



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B.PUGALENDHI, J.

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