



W.P(MD)No.19214 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.19214 of 2023

and

W.M.P(MD)No.15933 of 2023

Sadasivam

... Petitioner

Vs

- 1.The Tahsildar,
Manmangalam Taluk,
Karur District.
- 2.The Taluk Head Surveyor,
Manmangalam Taluk,
Karur District.
- 3.The Sub-Inspector of Surveyor,
Manmangalam Taluk,
Karur District.
- 4.The Inspector of Polic,
Vangal Police Station,
Karur.
- 5.Vasanth
- 6.Palanisamy
- 7.Baskaran

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the petitioner's objections for surveying the land in S.No.279/8 to an extent of 1.81 acres in Kuppichipalayam Village, Karur District after proper adjudication of the civil dispute between the petitioner and the fifth respondent, who is the adjacent land owner on the southern side, on the basis of the objections raised in the present writ petition in addition to the objections raised in the petitioner's representation dated 01.08.2023.

For Petitioner	:Mr.V.Balaji
For R1 to R3	:Mr.M.Sarangan Additional Government Pleader
For R4	:Mr.P.Kottaichamy Government Advocate (Crl.side)

ORDER

The petitioner is the owner of the land in Survey No. 279/8 and his adjacent land owner namely one Vasanth, who is the fifth respondent herein, has already filed a writ petition in W.P. (MD)No.11238 of 2023 to survey his land in Survey No.279/9. In that writ petition, this Court has also issued a direction to the respondents 1 & 2 to conduct the survey based on the application submitted by the fifth respondent.



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2. Taking advantage of the order passed in W.P(MD)No. 11238 of 2023, the third respondent has issued a notice in Na.Ka.Vu/1534/2023, dated 25.07.2023 directing the petitioner and some other adjacent land owners to appear on 04.08.2023 at 10.00 a.m., On that day, the petitioner has appeared before the third respondent and submitted his objections.

3. The grievance of the petitioner is that without considering his objection, the third respondent is proceeding to conduct the survey today i.e., on 08.08.2023 and hence, the petitioner has immediately filed this writ petition for a Mandamus, directing the respondents 1 to 3 herein to consider the petitioner's objections for surveying the land in S.No.279/8 to an extent of 1.81 acres in Kuppichipalayam Village, Karur District.

4. If the petitioner is having any objections, he can very well submit his objections to the concerned Survey Officer. The Survey Officer is bound to consider the objections, if any, as per



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Section 10(1) of the Tamil Nadu Survey and Boundaries Act, 1923, thereafter, the Survey Officer is expected to pass an order and if the petitioner is aggrieved by the said order, he can very well file an appeal before the District Survey Officer under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923.

5. In view of the above, this writ petition is disposed of with a liberty to the petitioner to submit his objections, if any, in writing before the Survey Officer today itself i.e., 08.08.2023. If any objection is received, the Survey officer shall consider the same and pass orders either by rejecting the request or to proceed with the survey within a period of six weeks from the date of receipt of a copy of this order. If the petitioner is so aggrieved, he can work out his remedy before the appellate authority as contemplated under law. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No.

Index : Yes / No.

Internet: Yes

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08.08.2023

Note: Issue Order Copy on 08.08.2023.



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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.19214 of 2023

08.08.2023