



W.P.(MD) No.21364 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2023

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.21364 of 2014

and

M.P.(MD) No.1 of 2014

Rani Swamidhas

... Petitioner

/vs./

1.The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

2.The Firka Surveyor,
Kulithurai,
Vilavancode Taluk,
Kanyakumari District.

3.G.Wilson

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first and second respondents to afford an opportunity to the petitioner, while considering the order passed by this Court in WP(MD) No.17342 of 2014 dated 29.10.2014.



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For Petitioner : Mr.B.Brijesh Kishore
For R1 & R2 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R3 : M/s.Jabez Sam Goodley

ORDER

The prayer in the writ petition is seeking for a Mandamus to direct the respondents 1 and 2 to afford an opportunity to the petitioner, while considering the order passed by this Court in WP(MD) No.17342 of 2014 dated 29.10.2014.

2.Heard Mr.B.Brijesh Kishore, learned counsel for the petitioner, Mrs.D.Farjana Ghoushia, learned Special Government Pleader for the respondents 1 and 2 and M/s.Jabez Sam Goodley, learned counsel for the third respondent.

3.Mr.B.Brijesh Kishore, learned counsel for the petitioner would submit that the petitioner is the owner of the land in S.No.450/15 and 443/1 at Nattalam Village. The third respondent herein without impleading the petitioner as a party had approached this Court in W.P.(MD) No.17342 of 2014 seeking for a Mandamus to direct the second respondent therein to survey the land.



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Considering the prayer made by the third respondent, this Court had directed the respondents therein to dispose of the request of the third respondent. The petitioner apprehending that no notice would be served upon him had approached this Court by way of filing this writ petition.

4.Mrs.D.Farjana Ghoushia, learned Special Government Pleader for the respondents 1 and 2 would submit that whenever the survey is being conducted on a particular land, the neighboring land owners will always be given a notice. Hence, the petitioner would be given a notice of hearing during survey.

5.I have considered the rival submissions made by the learned counsels appearing on either side.

6.It is pertinent to note that when the writ petition was admitted, an injunction has been granted by this Court on 06.01.2015 injuncting the respondents 1 and 2 from surveying the property. In the light of the said injunction, this Court is of the view that no survey could have been conducted by the second respondent pursuant to the orders made in W.P.(MD) No.17342 of



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2014. Hence, a direction is given to the respondents 1 and 2 to give an opportunity to the petitioner to be present when the survey is conducted as directed by this Court in W.P.(MD) No.17342 of 2014.

7. With the above direction, the Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

16.02.2023

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To

1. The Tahsildar,
Vilavancode Taluk,
Kanyakumari District.

2. The Firka Surveyor,
Kulithurai,
Vilavancode Taluk,
Kanyakumari District.



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K.KUMARESH BABU, J.

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