



W.P(MD)No.12153 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12153 of 2015
and
M.P.(MD)No.1 of 2015
and
W.M.P.(MD)No.552 of 2016

V.S.Anandhan

... Petitioner

Vs.

1.The District Collector,
Thanjavoor District,
At Thanjavur.

2.The District Revenue Officer,
Thanjavur.

3.The Assistant Director Cum
P.A. to Collector (Land Survey),
District Land Survey Office,
Thanjavur.

4.The Thasildar,
Oraththanadu Taluk,
Thanjavur District.

5.A.Prabu

... 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 Certiorari, to call for the records of the impugned proceedings No.Na.Ka.Aa1/3111/2015 dated 15.06.2015 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.K.Vamanan

For Respondents : Mr.S.Shanmugavel,
Addl. Government Pleader for R1 to R4.
No appearance for R5.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 to 4.

2.Mr.Arjunan, Surveyor was present in person and demonstrated that an error that had earlier taken place had been corrected and that there is no prejudice to the petitioner.



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3.The Surveyor might as well be correct. But then as rightly pointed out by the learned counsel for the petitioner, proper notice must have been issued to the petitioner. According to the respondents, what happened was only FMB correction. Even if this can be done only after issuance of proper notice to the petitioner.

4.For this reason alone, I am constrained to interfere with the impugned order. The order impugned in this writ petition is set aside and the matter is remitted to the file of the third respondent. On 09.10.2023, a fresh survey exercise shall be undertaken. The petitioner will not receive any fresh notice. The learned counsel for the petitioner shall inform the petitioner that either the petitioner or any representative on his side may be present on 09.10.2023 at 09.30 am. It is for the third respondent to issue notice to the fifth respondent. But the presence of the fifth respondent is not important. The presence of the petitioner or his representative is important. After hearing the petitioner, the third respondent may pass an order afresh on merits and in accordance with law.



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5.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

21.09.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 21.09.2023.

To:-

- 1.The District Collector,
Thanjavoor District,
At Thanjavur.
- 2.The District Revenue Officer,
Thanjavur.
- 3.The Assistant Director Cum
P.A. to Collector (Land Survey),
District Land Survey Office,
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- 4.The Thasildar,
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G.R.SWAMINATHAN, J.

ias

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