



W.P(MD)No.1644 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1644 of 2015
and
M.P.(MD)Nos.2 &3 of 2015

Ammaiyappan

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Karur Taluk,
Karur District.

3.The Superintendent of Police,
Karur District,
Karur.

4.G.Prakash

5.V.Ayyanar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in Na.Ka.No.A1/1086/2014 dated 01.10.2014 and quash the same as illegal, ultra vires and unconstitutional and without jurisdiction and consequently direct the respondents not to interfere



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with my peaceful possession and enjoyment of the property with an extent of 7.65 Acres bearing S.No.379/1A, 379/1B and 379/1C situate at Inam Karur Village, Periyakuzhathupalayam Karur Taluk and District.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.S.Ramachandran
Additional Government Pleader for R1 to R3

: No appearance for R4 & R5

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the official respondents. None appears for the private respondents.

2. The fourth respondent herein namely Prakash applied to the Tahsildar, Karur for conducting survey of the petition mentioned land comprised in Survey No.379/1A, Karur. The said Prakash had earlier filed W.P.(MD)No. 14014 of 2014. It was disposed of 25.08.2014 in the following terms:-

“The petitioner seeks for issuance of a Writ of Mandamus directing the respondent to consider his representation dated 09.06.2014 and demark the land in Survey Nos.379/1A, 379/1B, 379/1C within a stipulated time.

2. Without going into the merits of the claim made by the petitioner, there will be a direction to the respondent to consider the representation of the petitioner dated 09.06.2014 on merits and in accordance with law, after issuing



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notice to any third parties who may have a claim in the matter and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

3. With the above directions, the writ petition is disposed of. No costs.”

Misconstruing the said order, the Tahsildar, Karur applied to the jurisdictional police for extending police aid. This communication is put to challenge in this writ petition.

3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the proposal to conduct survey has since been dropped. The said submission is recorded.

4. Even on merits, the impugned communication will have to be necessarily set aside. Admittedly, the fourth respondent and the petitioner are locked in litigation. There is a serious dispute between the two. That is why, the fourth respondent sought aid of this Court for conducting survey. This Court had specifically mandated issuing notice to all the interested parties. The Tahsildar, Karur without issuing any notice to the petitioner herein, had attempted to obtain police aid. It is patently illegal and in breach of the order passed by this Court in W.P.(MD)No.14014 of 2014.



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5. The impugned communication is set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

18.08.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

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- 3.The Superintendent of Police,
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