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W.P.(MD) No.19896 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.08.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.19896 of 2023
and
W.M.P.(MD) No.16423 of 2023**

Thiyagarajan

... Petitioner

-vs-

- 1.The District Collector
District Collector's Office
Karur District
- 2.The Tahsildar
Taluk Office
Krishnarayapuram
Karur District
- 3.The District Revenue Officer
D.R.O.Office
Kulithalai, Karur District
- 4.The Village Administrative Officer
North Krishnarayapuram
Karur District
- 5.The Executive Officer
Krishnarayapuram Municipal Office
Krishnarayapuram, Karur District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents 1 to 5 from taking any action in pursuance of alleged survey measurements taken on 08.08.2023 at property situated in Karur District, Krishnarayapuram North, Ward-10, S.F.No.175/24, admeasuring hector 0.05.62 Ares, except due process of law in the light of petitioner's representation dated 06.07.2023.

For Petitioner : Mr.R.Sakthivel

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the respondents.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.



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3. This writ petition is filed for issuance of a writ of mandamus forbearing the respondents from taking any action pursuant to the survey conducted on 08.08.2023 in S.F.No.175/24, Ward-10, Krishnarayapuram North, Karur District, measuring an extent of hector 0.05.62 Ares, except due process of law, in the light of petitioner's representation dated 06.07.2023.

4. Learned counsel for the petitioner states that respondents are taking action, on the basis of the Judgment and Decree, dated 10.03.2023, obtained by strangers as against the petitioner and others in O.S.No.305 of 2021, on the file of the District Munsif-cum-Judicial Magistrate Court, Krishnarayapuram. Stating that the petitioner has filed an appeal in A.S.No. 25 of 2023, on the file of the Sub Court, Kulithalai, as against the said Judgment and Decree and the same is pending, the petitioner has come forward with this writ petition seeking a direction restraining the respondents from interfering with his possession and enjoyment of the property, otherwise than due process of law.



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5. Learned Special Government Pleader for the respondents, on instructions, states that already notice has been issued to the petitioner and others in terms of Section 128(2) of the Tamil Nadu Urban Local Bodies Act, 1998.

6. In such circumstances, preserving the rights of the petitioner to defend such action in the manner known to law, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

17.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector,
District Collector's Office,
Karur District.

2.The Tahsildar,
Taluk Office,
Krishnarayapuram,
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- 3.The District Revenue Officer,
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