



W.P.(MD)No.20165 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.20165 of 2023

and

W.M.P.(MD)No.16626 of 2023

S.Sivasubramanian

... Petitioner

versus

1. The Tahsildar,
Dindigul East Taluk,
Dindigul District.

2. The Taluk Surveyor,
Dindigul East Taluk,
Dindigul District.

3. Vairavan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings of the 1st respondent in Na.Ka.No.3239/2023/F dated 17.07.2023 and quash the same as illegal and consequently, direct the respondents 1 and 2 to survey and demarcate the petitioner's property in Survey No.650/13B situated in



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Vellodu Village, Dindigul East Taluk, Dindigul District, within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Karthick
For R1 and R2 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

The petitioner has submitted an application dated 05.06.2023 to the first respondent/the Tahsildar, Dindigul East Taluk, requesting him to survey his land in Survey No.650/13B situated in Vellodu Village, Dindigul East Taluk, Dindigul District. The first respondent, by order dated 17.07.2023, has rejected the request of the petitioner stating that one Vairavan, the adjacent land owner, has raised certain objection that a Civil Suit is pending between the parties before the Additional District Munsif Court, Dindigul in O.S.No.116 of 2023. Challenging the same, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submits that the first respondent has passed this impugned order without verifying



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the documents pertaining to the suit in O.S.No.116 of 2023.

Originally, the said suit has been filed by the said Vairavan, as against one Pandiarajan, Kavitha and Nagarajan and the petitioner herein is not at all a party to the said suit. He further submits that Survey No.650 has already been sub divided as Survey No.650/13B and the petitioner's application is to measure the land with regard to Survey No.650/13B, which is not the subject matter of the property in O.S.No.116 of 2023.

3. Ms.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents 1 and 2, on instructions, submits that based on the application of the petitioner, survey officials have visited the place for conducting survey, at that time, the said Vairavan, 3rd respondent herein, has made an objection by referring to the suit filed by him. Therefore, the impugned order has been passed.

4. This Court considered the rival submissions made and perused the materials available on record.



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5. The petitioner claims that the suit in O.S.No.116 of 2023 is not pertaining to the land in Survey No.650/13B and he is not at all a party to the said suit. While so, it is not known as to whether the respondents, before passing the impugned order, have gone through the documents and provided an opportunity of hearing to the petitioner. Therefore, the impugned order dated 17.07.2023 passed by the first respondent is liable to be set aside.

6. Accordingly, the impugned order dated 17.07.2023 passed by the first respondent is hereby set aside and the matter is remitted back to the first respondent for consideration afresh.

7. The first respondent shall provide an opportunity of hearing to the petitioner and ascertain as to whether there is any order restraining the officials from conducting survey of the land and thereafter, pass order afresh in accordance with law. Even thereafter, the petitioner is



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having any grievance, he is having an appeal remedy before the Head Surveyor under Section 11 of the Tamil Nadu Survey and Boundaries Act, 1923.

8. Accordingly, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

18.08.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Tahsildar,
Dindigul East Taluk,
Dindigul District.

2. The Taluk Surveyor,
Dindigul East Taluk,
Dindigul District.



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B.PUGALENDHI, J.

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