



W.P(MD)No.26069 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.26069 of 2023

Atchanna

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Tahsildar,
Kovilpatti Taluk,
Tuticorin District.

3.The Surveyor,
Kovilpatti Taluk,
Tuticorin District.

4.Atchanna

5.Atchammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents No.1 to 3 not to conduct the survey in connection with property comprised in Survey No.5/6A to an extent of 0.15.50 Ares, Survey No. 5/6C to an extent of 0.30.00 Ares, Survey No.9/3B to an extent of 0.30.00 Ares totally to an extent of 0.75.56 Ares situated at Villicheri Village, Kovilpatti Taluk, Tuticorin District, till the disposal of the suit in O.S.No.140 of 2023 on the file of the Learned



W.P(MD)No.26069 of 2023

District Munsif Court, Kovilpatti, Tuticorin District, on the basis of the Petitioner's representation dated 30.09.2023.

For Petitioner : Mr.S.Sades Kumar

For Respondents : Mr.M.Siddharthan
Additional Government Pleader for R1 to R3

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the official respondents. Issuance of notice to the private respondents is dispensed with.

2. The petitioner wants this Court to restrain the authorities from conducting survey.

3. When the matter was taken up for hearing, the learned Additional Government Pleader drew my attention to the order dated 29.09.2023 in W.P. (MD)No.23755 of 2023. The fifth respondent herein filed the said writ petition for conducting survey. The said writ petition was disposed of as follows:-

“The petitioner with a grievance that his application for survey of his land has not been considered by the respondents has filed this writ petition.

2.Mr.M.Sarangan, learned Additional Government Pleader, who takes notice for the respondents 1 & 2 submits that survey would be completed within a period of eight weeks.



W.P(MD)No.26069 of 2023

3. Recording the submission of the learned Special Government Pleader, this writ petition is disposed of with a direction to the respondents to conclude the survey within a period of eight weeks from the date of receipt of a copy of this order. No costs.”

4. I felt that a peremptory order could not have been passed to the prejudice of the writ petitioner without hearing them. Be that as it may, the learned Additional Government Pleader informs the Court that the private respondents have already succeeded in the civil proceedings and that it has attained finality. The petitioner need not have any apprehension because they will have to be put on notice before conducting survey and survey exercise cannot lead to the petitioner's dispossession. At the end of the survey, the four boundaries alone can be fixed and nothing else. Without hearing the private respondents, I cannot render any finding regarding possession. Whoever is in possession cannot be dispossessed in the guise of conducting survey.

5. With this observation, the writ petition is disposed of. No costs.

01.11.2023

Index : Yes / No
Internet : Yes/ No
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W.P(MD)No.26069 of 2023

G.R.SWAMINATHAN, J.

rmi

To

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Tuticorin.
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Kovilpatti Taluk,
Tuticorin District.
- 3.The Surveyor,
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W.P(MD)No.26069 of 2023

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