



W.P(MD)No.28192 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28192 of 2023

P.Pramasivan

... Petitioner

Vs.

1.The Thasildar,
Thoothukudi Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Thoothukudi Taluk,
Thoothukudi District.

3.M.Muthu Malai

4.V.Esackimuthu

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to conduct the enquiry and pass order on the petitioner's objection to conduct the survey the petitioners' land in S.F. No.283/1B situated at Mullaikadu No.1 Village, Mullaikadu, Thoothukudi District by way of considering the petitioner's representation 06.11.2023.



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For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.C.Satheesh,
Government Advocate for R1 & R2.

ORDER

Heard the learned counsel for the writ petitioner and the learned Government Advocate for the respondents 1 and 2. Considering the nature of relief to be granted, issuance of notice to the respondents 3 and 4 is dispensed with.

2.The petitioner apprehends that a fresh survey may be conducted at the instance of the private respondents and his possession may be interfered with.

3.I have been consistently holding that before conducting any survey, survey notice will have to be issued to all the adjacent land owners and the interested persons. Opportunity has to be given to the stakeholders to offer their objections. The Tahsildar has to pass a



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speaking order, if there are objections. Breathing time should be given to the objectors, if the objections are overruled. Conducting of survey cannot lead to any body's dispossession. Even fencing cannot be put up by using the police aid during the process of survey. The respondents 1 and 2 will bear in mind the aforesaid directions, if any survey is conducted.

4.This writ petition is disposed of accordingly. No costs.

30.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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Thoothukudi District.
- 2.The Taluk Surveyor,
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G.R.SWAMINATHAN, J.

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