



W.P(MD)No.30226 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.30226 of 2023

and

W.M.P(MD)No.26049 of 2023

K.Ramar

... Petitioner

Vs.

1.The Tahsildar,
Mudukulathur Taluk Office,
Mudukulathur,
Ramanathapuram District.

2.The Head Quarter Deputy Tahsildar,
Mudukulathur Taluk Office,
Mudukulathur,
Ramanathapuram District.

3.The Firka Surveyor,
Enathi Group,
Mudukulathur Taluk Office,
Mudukulathur,
Ramanathapuram District.

4.Veerapathiran

... Respondents



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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 relating to the impugned memorandum vide Oo.Mu.L1/5190/2023 dated 22.08.2023 on the file of the first respondent regarding the survey held on 13.07.2023 based on the survey notice vide Na.Ka.L1/2005/2023 dated 06.07.2023 on the file of the respondents 1 and 2 and quash the same and consequently direct the respondent 1 to 3 to remove the entry regarding the same from the concerned records.

For Petitioner : Mr.R.Venkareswaran

For Respondents : Mr.V.Nirmal Kumar
Government Advocate
for R.1 to R.3

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

2.The fourth respondent has given a petition for conducting survey. Notice was issued by the authority on 06.07.2023. The petitioner received the same on 10.07.2023. The impugned memorandum dated 22.08.2023 reads that no objection was received from any other parties



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and that therefore survey was conducted on 13.07.2023. Even though the learned counsel appearing for the petitioner would claim that he did lodge his objections, there is no material in support of the same. When the petitioner received survey notice on 10.07.2023, he could have very well sent his objections in writing either through email or through registered post. Therefore, it is too late in the day for the petitioner to claim that he lodged his objections.

3.I am of the view that the petitioner need not have cause for worry. What was happened is only a mere identification of the four boundaries and laying of survey stone. Photographs of the petitioner's house is enclosed in the typed set of papers. The petitioner apprehends that his house may be demolished. If any illegal activity takes place at the instance of the fourth respondent, it is always open to the petitioner to come before this Court or go before the jurisdictional civil Court or avail any other appropriate remedy. As of now, I am clearly of the view that the impugned memorandum does not infringe the rights of the petitioner.



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4. Leaving open all the rights of the petitioner, this writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1. The Tahsildar,
Mudukulathur Taluk Office,
Mudukulathur,
Ramanathapuram District.
2. The Head Quarter Deputy Tahsildar,
Mudukulathur Taluk Office,
Mudukulathur,
Ramanathapuram District.
3. The Firka Surveyor,
Enathi Group,
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G.R.SWAMINATHAN, J.

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