



WEB COPY



WP.No.20500 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.20500 of 2024
and W.M.P.No.22449 & 22450 of 2024

A.Janarthanan

.. Petitioner

Versus

1.The District Collector
Salem Collectorate
Salem

2. The Revenue Divisional Officer
Revenue Divisional Office
Mettur, Salem District

3.The Tahsildar
Taluk Office
Omalur, Salem District

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records pertaining to the proceedings issued by the 2nd respondent in Na.Ka.No.4403/2023-C dated 17.10.2023 and quash the same.

For Petitioner : Mr.R.Muruga Bharathi

For Respondents : Mr.A.Selvendran
Special Government Pleader



WP.No.20500 of 2024

ORDER

WEB COPY Heard both sides and perused the materials placed on record.

2. This writ petition is filed challenging the proceedings issued by the 2nd respondent in Na.Ka.No.4403/2023-C dated 17.10.2023 and quash the same.

3. By consent of both parties, this writ petition is taken up for final disposal

4. It is the contention of the writ petitioner that one S.Sagaya Arokiaraj filed a writ petition in W.P.No.20803 of 2023 for police protection for earmarking the boundaries. This Court in W.P.No.20803 of 2023, by order dated 13.07.2023 directed the Inspector of Police, Omalur Police Station, Salem District to conduct enquiry in C.S.R.No.368 of 2023 and take a decision on the same as expeditiously as possible. There is no order granted in respect of police protection. However, now the impugned notice has been issued for survey. Hence, this writ petition.



WP.No.20500 of 2024

5. It is brought to the notice of this Court that the suit in O.S.No.453 of 2023 on the file of II Additional District Judge, Salem is pending which is filed for declaring the sale deeds as null and void and the same is posted on 22.08.2024.

6. The learned Special Government Pleader would submit that as the suit is pending, police protection cannot be granted. It is for the parties to file a necessary application for survey in the pending suit and get an order not by way of filing writ petition.

7. Accordingly, the impugned notice is set aside and this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition stand closed.

26.07.2024

dhk
Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No



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N. SATHISH KUMAR, J.

dhk

To,

1.The District Collector
Salem Collectorate
Salem

2. The Revenue Divisional Officer
Revenue Divisional Office
Mettur, Salem District

3.The Tahsildar
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Omalur, Salem District

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