



W.P.(MD) No.870 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.870 of 2024
and W.M.P.(MD)No.884 of 2024

A.Selvaraj

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Tisayanvilai Taluk,
Tisayanvilai,
Tirunelveli District.

3.Anandprasad

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned survey Notice issued by him vide his proceedings in Na.Ka.No.E1/1198/2022 dated 26.12.2023 and quash the same as illegal and arbitrary and consequentially directing him to conduct a survey and fix the boundaries of the petitioner's residential house in Survey No. 256/1 (old Survey No.715/2) of Kalikumarapuram, Karaisuthupudur Village, Tirunelveli District and thereafter earmark the encroachments and remove the same if any based on his representation and payment of chalan dated 06.01.2024 within the time limit that may be stipulated by this Court.

For Petitioner : Mr.S.P.Naveenkumar

For Respondents : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 & R2
Mr.M.Mohamed Duhail
for M/s.Ajmal Associates for R3



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent in connection with the impugned survey Notice issued by him vide his proceedings in Na.Ka.No.E1/1198/2022 dated 26.12.2023 and quash the same as illegal and arbitrary and consequentially directing him to conduct a survey and fix the boundaries of the petitioner's residential house in Survey No. 256/1 (old Survey No.715/2) of Kalikumarapuram, Karaisuthupudur Village, Tirunelveli District and thereafter earmark the encroachments and remove the same if any based on his representation and payment of chalan dated 06.01.2024 within the time limit that may be stipulated by this Court.

2. We have heard Mr.S.P.Naveenkumar, learned counsel appearing for the petitioner, Mr.S.P.Maharajan, the learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 2 and Mr.Mohamed Suhail for



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M/s.Ajmal Associates, learned counsel, who accepts notice on behalf of the third respondent.

3. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The petitioner has challenged the impugned notice directing him to be present on 04.01.2024 during the survey in S.Nos.715/1 and 712/5. At the time of conducting survey, the petitioner requested the officials to survey and fix boundaries of petitioner's residential property in S.No.256/1 (Old Survey No. 715/2) of Kalikumarapuram, Karaisuthupudur Village, Tirunelveli District and thereafter earmark the encroachments and remove the same if any. But the official respondents without any valid reasons, dropped the survey proceedings. Hence, the petitioner made a representation 06.01.2024 requesting to conduct survey and fix boundaries of his residential property. Since the same was not considered, the petitioner has approached this Court.



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5. The learned Special Government Pleader appearing for the respondents 1 and 2 submits that survey has been conducted on 05.01.2024 in the presence of the petitioner and based on the survey, necessary action will be taken for removal of encroachments by the Panchayat as well as the revenue official under the provisions of the Act, after issuing notice to the petitioner. He further submitted that as of today no notice has been issued to evict the petitioner in the property in question.

6. Considering the submissions made by the learned Special Government Pleader appearing for the respondents 1 and 2 and also considering the fact that as of today, no notice has been issued to evict the petitioner in the property in question, there is no necessity to quash the impugned proceedings. However, we direct the petitioner to file his objections, if any, after receiving the notice from the respondents.

7. With the above direction, this Writ Petition is disposed of. There shall



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be no order as to costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [R.V., J.]
12.01.2024

Neutral Citation: Yes / No
Index : Yes / No
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Note: Registry is directed to return the original copy of the impugned order to the learned counsel for the petitioner after replacing the same with a xerox copy.

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D.KRISHNAKUMAR, J.
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