



W.A.(MD) No.291 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2024

CORAM

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.A.(MD) No.291 of 2024
and
C.M.P.(MD) No.2827 of 2024

N.Kannan

... Appellant/3rd Party

Vs.

1.R.Papathi

... 1st Respondent/
Petitioner

2.The District Collector,
Madurai,
Madurai District.

3.The Tahsildar,
Madurai North Taluk,
Madurai District.

4.The Town Surveyor,
Land Survey Department,
Madurai North, Madurai.

... Respondents 2 to 4/
Respondents 1 to 3



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Prayer: Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 17.03.2022 made in W.P.(MD) No.4756 of 2022 of this Court.

For Appellant : Mr.M.Ponniah
For RR2 to 4 : Mr.N.Satheesh Kumar
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by The Hon'ble CHIEF JUSTICE]

Heard Mr.M.Ponniah, learned counsel for the appellant and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for Respondents No.2 to 4.

2. The learned counsel for the appellant submits that the appellant was not a party in the writ petition. The learned Single Judge, under the impugned order, directed to survey the property. The appellant is a co-owner.

3. We have perused the order passed by the learned Single Judge. The learned Single Judge has directed the respondents to survey and fix the



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boundaries of the writ petitioner's property, after giving notice to the petitioner and rival claimants, if any, within a period of twelve weeks from the date of receipt of a copy of the order.

4. We are not aware whether the survey/measurement has been carried out. In case, the measurement or survey is carried out and the present appellant is aggrieved by the same, the writ petitioner has a remedy against the survey. However, if the survey is not yet carried out, then the Surveyor shall also issue notice to the present appellant while carrying out the survey. With this clarification, the Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.V.G., CJ.)

(M.S.K., J.)

01.03.2024

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

ABR



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To

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THE HON'BLE CHIEF JUSTICE
and
MUMMINENI SUDHEER KUMAR, J.

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