



W.P.(MD)No.13598 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.13598 of 2021

Santhanapandian

... Petitioner

Vs.

1. The District Collector,
Tenkasi District.

2. The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.

3. The Taluk Surveyor,
Sankarankoil Taluk,
Tenkasi District.

... Respondents

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 of the impugned order of the second respondent in Na.Ka.Aa9/6784/2019 dated 12.02.2020 and quash the same as illegal and consequently direct the respondents 2 and 3 to survey and demarcate the petitioner's property in S.No.344/1, S.No.337/1B2, S.No.343/2 and



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S.No.346/2 in Kallappakulam Village, Sankarankoil Taluk, Tenkasi District within the time frame fixed by this Court.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

The Writ Petition is directed against the order dated 12.02.2020 passed by the second respondent rejecting the writ petitioner's claim for surveying the lands.

2. It is not in dispute that the writ petitioner has applied for surveying the lands situated in Survey Nos.344/1, 337/1B2, 343/2 and 346/2 of Kallappakulam Village, Sankarankoil Taluk. The second respondent has passed the impugned order dismissing the writ petitioner's application on the ground that the writ petitioner was not in possession of the property at the time of inspection by the third respondent and moreover, since there was a land dispute, the land could not be surveyed.



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3. When the matter is taken up for hearing today, the learned Special Government Pleader appearing for the respondents has produced the copy of the letter given by some four persons raising objections for measuring the property. Admittedly, they have not taken any statement from the writ petitioner, but taking note of the contention of the alleged objectors that they are going to sort out their land dispute before the concerned Court, the impugned order came to be passed.

4. This Court is at loss to understand as to how such an observation was made by the second respondent that the writ petitioner was not in possession of the property at the time of inspection. Admittedly, there was no civil proceedings pending either at the time of inspection by the third respondent or at the time of passing the impugned order. It is not the case of the second respondent that opportunity was given to the writ petitioner before ever passing the impugned order, but mainly on the basis of the alleged objection raised by some third parties, he has dismissed the application.



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5. Considering the above, this Court has no hesitation to hold that the impugned order cannot be sustained and as such, the same is liable to be quashed.

6. In the result, this Writ Petition is allowed and the impugned order dated 12.02.2020 is quashed. The second respondent is directed to give notice to the writ petitioner as well as the other interested parties and to pass orders in accordance with law within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

05.04.2024

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

To

1. The District Collector,
Tenkasi District.
2. The Tahsildar,
Sankarankoil Taluk,
Tenkasi District.



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3. The Taluk Surveyor,
Sankarankoil Taluk,
Tenkasi District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

**Order made in
W.P.(MD)No.13598 of 2021**

Dated : 05.04.2024