



W.P(MD)No.14293 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14293 of 2024

and

W.M.P.(MD)Nos.12545 and 12546 of 2024

G.Sudha Ramasamy

... Petitioner

Vs.

1.The District Collector,
Theni, Theni District.

2.The Tahsildar,
Bodinayakannur Taluk,
Theni District.

3.The Taluk Surveyor,
Bodinayakannur Taluk,
Theni District.

4.M/s. Port City Benefit Fund Limited,
Rep. by its Managing Director,
Suriyamoorthi.

5.Vigneswara Vijayram

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the impugned survey notice dated 20.06.2024 issued by the 3rd respondent and quash the same as it is illegal.



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For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

2.The writ petitioner is aggrieved by the survey notice issued by the authority. The fifth respondent herein had earlier filed W.P.(MD)No.2556 of 2024 for conducting survey. It was disposed of on 07.02.2024 by issuing the usual directions. Clauses IV and V of the said order read as follows:-

“(IV) Enquiry shall be held. During enquiry, objections raised by the adjacent land owners / interested persons shall be considered.

(V) If according to the jurisdictional authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey will be conducted only after a period of six weeks so that the objector can move the concerned Court for injunction. If before the proposed date of survey, the objector is unable to obtain any injunction order, the survey can very well go on.”



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3.The petitioner states that he had offered his objections in response to the survey notice. The learned Additional Government Pleader categorically states that survey has not yet been conducted and that a speaking order will be passed. The order passed by this Court clearly contemplates that if the petitioner's objections are to be overruled, the petitioner will be given breathing time of six weeks to obtain injunction. The petitioner will have cause of action to move this Court only at that stage and not till then. This writ petition has been unnecessarily filed. Be that as it may, recording the stand of the respondents, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

02.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

- 1.The District Collector,
Theni, Theni District.
- 2.The Tahsildar,
Bodinayakannur Taluk,
Theni District.
- 3.The Taluk Surveyor,
Bodinayakannur Taluk,
Theni District.



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G.R.SWAMINATHAN, J.

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