



W.P(MD)Nos.18784 of 2019 etc batch

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.18784, 18788,18790, 18793,18794, 18795, 18818,
18821, 18824, 18825,18827 & 18828 of 2019

W.P(MD)No.18784 of 2019:-

M.Balu

... Petitioner

Vs

1.The District Revenue Officer,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul.

3.K.Ponnammal

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to provide opportunity to the petitioner to submits his case before passing order regarding the representation of the third respondent dated 11.03.2019.



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For Petitioner : No appearance
For R1 & R2 : Mr.A.Baskaran
Additional Government Pleader
(In all WPs)

COMMON ORDER

The case of the petitioners is that one Ponnammal, a private respondent in all these writ petitions has submitted an application for grant of patta for certain lands on the strength of the Judgment passed by this Court in SA(MD) No.258 of 2001, wherein, the petitioners are the respondents. According to the petitioners, if the official respondents are conducting a survey based on the application of the said Ponnammal, a notice as required under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 has to be issued to the petitioners and an opportunity of hearing must be provided to them. Therefore, they have filed these writ petitions in the year 2019 seeking a Mandamus, to direct the official respondents to provide an opportunity of hearing before passing any order in respect of the representation of the said Ponnammal.



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2.Today(26.03.2024), when these writ petitions are taken up for hearing, there is no representation for the petitioners.

3.The learned Additional Government Pleader appearing for the respondents submits that after conducting an enquiry under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923, a decision would be taken based on the representation of the third respondent.

4. Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 is extracted as under:-

10. (1) Where a boundary is disputed, the survey officer, after making such inquiry as he considers necessary, shall determine the boundary and record it in accordance with his decision. The survey officer shall record in writing the reasons for his decision.

(2)Notice of every decision of the survey officer under section 10(1) shall be given in the prescribed manner to the parties to the dispute



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and other registered holders of the lands the boundaries of which may be affected by the decision.

5.Since these writ petitions are pending from the year 2019 and considering the limited scope of these writ petitions and the statute prescribes an opportunity of hearing to the interested parties, these writ petitions are allowed with a direction to the official respondents to conduct an enquiry under Section 10 of the Tamil Nadu Survey and Boundaries Act, 1923 and thereafter shall proceed with the representation submitted by the said Ponnammal. No costs.

26.03.2024

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



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B.PUGALENDHI, J.

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Common Order made in
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