



W.P(MD)No.24137 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.24137 of 2023

Ilayaraja

... Petitioner

Vs.

1.The Tahsildar,
Thiruvenkadam Taluk,
Tenkasi District.

2.The Taluk Surveyor,
Thiruvenkadam 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 pertaining to the impugned order vide TGM TLK/1268/2023/B2 dated 23.08.2023 passed by the 1st respondent and quash the same as illegal and consequently direct the respondents to conduct a proper survey on the petitioner's lands measuring 0.01.0 Sq.M. comprised in Survey No.896/16 and 0.01.0 Sq.M comprised in Survey No.896/17 situated at Malayankulam Village, Thiruvenkadam Taluk, Tenkasi District.



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For Petitioner : Mr.T.Indrachithu

For Respondents : Mr.M.Sidharthan,
Additional Government Pleader for R1 and R2

ORDER

Heard both sides.

2.The petitioner wants survey to be conducted in the petition mentioned lands. The petitioner's request was rejected on the ground that somebody else is residing in the property. Challenging the same, this writ petition has been filed.

3.When the matter was taken up for hearing, the petitioner's counsel asserted that assignment patta was issued in favour of the petitioner's mother and grandmother. The learned Special Government Pleader submitted that the assignees have not fulfilled the terms and conditions of the assignment order and therefore, the assignment was cancelled and that now it is only Sarkar Puramboke.



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4.The first respondent is directed to serve the cancellation order to the petitioner within a period of five weeks from the date of receipt of copy of this order. The cancellation order must have already been passed. It cannot now be passed. If such an order is available, it can be served on the petitioner so that the petitioner can question the same in the manner known to law. If there is no cancellation, survey exercise shall be undertaken.

5.This writ petition is disposed of. No costs.

26.03.2024

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

To:-

- 1.The Tahsildar, Thiruvenkadam Taluk, Tenkasi District.
- 2.The Taluk Surveyor, Thiruvenkadam Taluk, Tenkasi District.



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