



W.P.(MD) No.20346 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.20346 of 2017

and

W.M.P.(MD) Nos.16605 and 17463 of 2017

Suganya

... Petitioner

/vs./

1.The District Collector,
Collector Office,
Virudhunagar District.

2.The Tahsildar,
Taluk Office,
Srivilliputhur,
Virudhunagar District.

3.The Taluk Deputy Surveyor,
Survey Division, Taluk Office,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.

4.K.Chandrasekaran

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the 3rd Respondent vide office proceedings in FLA:277/17 dated 30.10.2017 on the file of the 3rd Respondent office and quash the same as illegal.

For Petitioner : Mr.R.Karunanidhi

For R1 to R3 : Mr.P.Thambidurai
Government Advocate

For R4 : Mr.A.Balaji

ORDER

The challenge is to a notice issued by the second respondent calling upon the petitioner to appear before him on 08.11.2017.

2. It is the case of the petitioner that she had purchased a house site in Old Natham S.No.239/1, New S.No.1347/1, measuring an extent of 4840.78 sq.ft., under a registered sale deed dated 18.11.2010 from the legal heirs of late.R.Manoharan Naidu represented by their power agent A.S.Alagarsamy, S/o. S.A.Sundarajan Naidu.



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3. The petitioner would submit that she has been in possession and enjoyment of the property from the date of purchase and her husband was serving in the Indian Airforce as a Group Captain. The fourth respondent, who is the petitioner's neighbor, appears to have filed a writ petition before this Court in W.P.(MD) No.15430 of 2017 suppressing the true facts and obtained an order without adding the petitioner as a party. There were disputes between the petitioner and the fourth respondent with regard to 3 feet lane situate between the petitioner's property as well as the fourth respondent's property. Both of them had thereafter entered into an amicable settlement and an agreement to this effect was entered into in the presence of the village elders on 30.09.2016, where under the 3 feet lane was decided to be kept in common with each of them having a key for the gate lock.

4. The fourth respondent had thereafter issued a legal notice on 04.05.2017, to which a reply notice was issued by the petitioner on 12.05.2017. The petitioner had also lodged a Caveat before the Principal District Munsif Court, Sub Court and the Principal District Court at Srivilliputhur. Suppressing all these facts, the writ petition has been filed seeking a Mandamus for surveying and demarcating



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the land comprised in Old Natham S.No.239/1, New S.No.1347/2, measuring an extent of 2784 sq.ft., Naidu North Street, Maharajapuram, Srivilliputhur Taluk, Virudhunagar District. On 17.08.2017, this Court had passed orders directing the respondents to consider the representation of the petitioner dated 03.07.2017 and take appropriate action after providing opportunity to all the parties within a period of 12 weeks.

5. On 12.10.2017, the second respondent had come to the petitioner's property without conducting any enquiry and when they attempted to survey and demarcate the property, the petitioner had opposed the same. She had thereafter issued a legal notice on 12.10.2017 for conducting an enquiry as per the order of this Court after providing opportunity to all the parties in question. The petitioner submits that the third respondent had passed an order without hearing all the parties informing their Officers to survey and mark the boundaries of the petitioner's property in S.No.1347/2. Therefore, the petitioner has come forward with the above writ petition.



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6. In the earlier writ petition in W.P.(MD) No.15430 of 2017, this Court had directed the second respondent to consider the representation and take appropriate action on merits after giving opportunity to all the parties. From the narration, which has not been objected to, it is clear that the dictum laid down in the earlier writ petition has not been followed in its letter and spirit.

7. Therefore, this Writ Petition stands disposed of stating that the third respondent shall first hear the petitioner and the other interested parties and thereafter proceed to survey and demarcate the properties on the basis of the sale deed of both the parties and the patta, if any, within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

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

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To

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P.T.ASHA, J.

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