



W.P.(MD) No.27891 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.27891 of 2024

Chinnu

...

Petitioner

-VS-

1.The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

2.The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

3.Meenambal

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records pertaining to the impugned notice issued by the 1st respondent vide his Reference : Online F.L:001690/2024, dated 08.11.2024, and quash the same as illegal and consequently direct the 1st and 2nd respondents herein



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not to interfere with the petitioner's peaceful possession and enjoyment of the property with regard to Survey No.352/1B2A to an extent of 3 cents situated at Vembur Village, Gujiliamparai Taluk, Dindigul District.

For Petitioner : Mr.G.Gomathisankar

For Respondent 1 & 2 : Mr.M.Muthumanikkam,
Govt. Advocate.

ORDER

This Writ Petition is filed for a writ of certiorarified mandamus to call for the records of the impugned notice issued by the first respondent, dated 08.11.2024, quash the same and consequently direct the respondents 1 and 2 not to interfere with the petitioner's peaceful possession and enjoyment of the property with regard to Survey No.352/1B2A to an extent of 3 cents situated at Vembur Village, Gujiliamparai Taluk, Dindigul District.

2. The petitioner is the owner of the property in Survey No.352/1B to an extent of 3 cents and is in possession and enjoyment of the same. The petitioner's property was sub-divided as Survey No.352/1B2A. The petitioner submitted a representation, dated 27.11.2023, to the first respondent to issue



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him a separate patta. While so, the third respondent made a representation to the first respondent to measure the property in Survey No.352/1B2A, for which the first respondent issued a notice to the petitioner, dated 08.11.2024, asking him to appear before the second respondent for an inquiry on 21.11.2024. Aggrieved by the impugned notice, the petitioner filed the above Writ Petition for the aforesaid relief.

3. Learned counsel for the petitioner submitted that in pursuance of the impugned notice, survey is to be conducted on 21.11.2024. The learned counsel further submitted that without considering the petitioner's representation, if survey is conducted, then great hardship would be caused to the petitioner.

4. With the consent of the learned counsel appearing for both sides, the Writ Petition is taken up for final disposal at the admission stage.

5. From a reading of the impugned notice, it is clear that the petitioner has been asked to appear before the second respondent on 21.11.2024 along with necessary documents. The petitioner, on misconception that in the impugned notice the date of survey was fixed as 21.11.2024, filed the present Writ Petition.

6. The impugned notice is only calling for the petitioner's documents and, therefore, the petitioner's apprehension that survey would be



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conducted on 21.11.2024 is unfounded. I do not find any merit in the Writ Petition. In any event, the petitioner is given liberty to raise all objections available to him along with necessary documents before the second respondent, in which case the second respondent shall consider the same in the manner known to law.

7. Writ Petition is disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) Nos.23652 and 23653 of 2024 are closed.

20.11.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

dixit

To:

1.The Tahsildar,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.

2.The Head Surveyor,
Gujiliamparai Taluk Office,
Gujiliamparai,
Dindigul District.



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N.MALA, J.

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