



W.A.No.1529 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE K. RAJASEKAR

Writ Appeal No.1529 of 2024

and

Civil Miscellaneous Petition No.10780 of 2024

1. The District Collector,
Namakkal District, District Collectorate,
Tiruchengode Road, Namakkal – 637 003.
2. The Revenue Divisional Officer,
Namakkal Revenue Division, District Collectorate,
Tiruchengode Road, Namakkal – 637 003.
3. The Tahsildar, Rasipuram Taluk,
Rasipuram, Namakkal - 637 408.
4. The Deputy Inspector of Survey/Head Surveyor
Land Survey Department, Tahsildar Office,
Rasipuram Taluk, Rasipuram,
Namakkal – 637 408.

... Appellants

Vs.

M.Karthikeyan
Represented by POA,
P.Sathish Kumar

... Respondent



W.A.No.1529 of 2024

Writ Appeal filed under Clause 15 of Letters Patent Act,

against the order dated 27.11.2023 in W.P.No.33160 of 2023.

For Appellants : Mr.Vadivelu Deenadayalan
Additional Government Pleader

For Respondent : Mr.M.Deivanandam

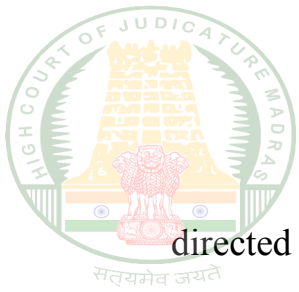
JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

The writ appeal has been instituted to assail the order dated 27.11.2023 in W.P.No.33160 of 2023.

2. The State preferred the appeal mainly on the ground that the writ Court passed final orders at the admission stage and therefore, the appellants have no opportunity to place the facts before the writ Court regarding the actions initiated by them to conduct survey to redress the grievances of the respondents.

3. The learned Additional Government Pleader appearing on behalf of the appellants would mainly contend that in paragraph No.7, the writ Court



W.A.No.1529 of 2024

directed the Chief Secretary to Government to initiate action against the officials. Such circumstances would not arise, in view of the fact that no opportunity was provided to the appellants to defend their case and place all the facts before the writ Court. When the facts are not placed before the writ Court, the findings that the officials have committed dereliction of duty become unnecessary.

4. The learned Additional Government Pleader would submit that even before filing of the writ petition by the respondents notice was issued by the official respondents and action was taken to conduct survey under the provisions of the Tamil Nadu Survey and Boundaries Act, 1923. These facts were not placed before the writ Court by the respondents which resulted in adverse findings against the authorities.

5. In view of the fact that the writ order impugned is an admission stage order and now the appellants says that notice was issued even prior to filing of the writ petition and actions were initiated to conduct survey, the direction issued by the writ Court to initiate disciplinary action against the official respondents are deleted.

6. It is needless to state that survey is to be conducted. Accordingly,



W.A.No.1529 of 2024

the writ appeal stands allowed. There shall be no order as to costs.

WEB COPY

Consequently, the connected miscellaneous petition stands closed.

(S.M.S., J.) (K.R.S., J.)
11.03.2025

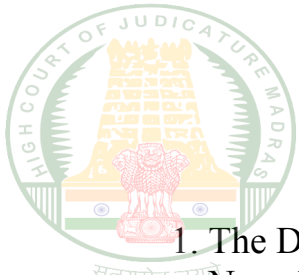
ssi

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation Case : Yes/No

To:



W.A.No.1529 of 2024

WEB COPY

1. The District Collector,
Namakkal District, District Collectorate,
Tiruchengode Road, Namakkal – 637 003.
2. The Revenue Divisional Officer,
Namakkal Revenue Division, District Collectorate,
Tiruchengode Road, Namakkal – 637 003.
3. The Tahsildar, Rasipuram Taluk,
Rasipuram, Namakkal - 637 408.
4. The Deputy Inspector of Survey/Head Surveyor
Land Survey Department, Tahsildar Office,
Rasipuram Taluk, Rasipuram,
Namakkal – 637 408.

S. M. SUBRAMANIAM., J.

AND



WEB COPY



W.A.No.1529 of 2024

K. RAJASEKAR., J.

ssi

W.A.No.1529 of 2024

11.03.2025