



W.P.(MD) No.3316 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3316 of 2025

M.Sulthan Ibrahim ... Petitioner

Vs

1 The District Collector,
Collectorate,
Pudukkottai District.

2 The Revenue Divisional Officer,
Office of Revenue Divisional Office,
Pudukkottai District.

3 The Tahsildar,
Illuppur Taluk,
Pudukkottai District.

... 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 of the impugned notice issued by the 3rd Respondent by his proceedings in Na.Ka.No.438/2025/A6, dated 25.01.2025, and quash the same as illegal and consequently direct the 1st and 2nd Respondents to take appropriate action on the petitioner's representation, dated 09.01.2025.



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For Petitioner : Mr.K.C.Muniyarasu

For Respondents : Mr.B.Saravanan,
Addl. Govt. Pleader.

ORDER

This Writ Petition is filed, seeking issuance of writ of certiorarified mandamus, to quash the notice issued by the third respondent, dated 25.01.2025, as being illegal, and to consequently direct first and second respondents to take action on the petitioner's representation, dated 09.01.2025, within a time frame.

2. I have heard the learned counsel for the petitioner; the learned Additional Government Pleader for the respondents; and Mr.T.Lenin Kumar, learned counsel, representing cultivating tenants, who claim to be in possession of the subject lands.

3. The petitioner had already moved this Court in CrI.O.P.(MD) No.21936 of 2024, wherein, this Court, by an order, dated 03.01.2025, directed adequate police protection, to be given during survey and that survey to be conducted on 08.01.2025.

4. It is the case of the petitioner that despite specific directions, the Tahsildar had not conducted survey and, therefore, a complaint was given



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by the petitioner against the third respondent to first and second respondents, and that, with a view to taking revenge, the Tahsildar has issued the impugned notice under the Tamil Nadu Tenants and Ryots Protection Act, 1955, which, according to the petitioner, has been repealed by Act 22 of 2024. The apprehension of the petitioner is that the third respondent is prejudiced against the petitioner and, therefore, proper survey would not be conducted by the third respondent. He would, therefore, seek for survey being conducted by the second respondent – Revenue Divisional Officer.

5. Mr.T.Lenin Kumar, learned counsel appearing on behalf of cultivating tenants, would submit that cultivating tenants should also be allowed to participate in the survey being conducted by the second respondent, since their rights also will be jeopardised by the claims of the writ petitioner.

6. Learned Additional Government Pleader would submit that though the third respondent is the competent authority, subject to any direction by this Court, the second respondent may be directed to conduct survey in the presence of the petitioner as well as the cultivating tenants.

7. Recording the above submission, this Writ Petition is allowed, in the following manner :



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(1) The impugned notice, dated 25.01.2025, on the file of third respondent is set aside.

(2) Learned counsel for cultivating tenants having submitted that one Palanisamy, son of Krishnan, would represent all cultivating tenants, the second respondent shall issue notice to the petitioner and the said Palanisamy, son of Krishnan, intimating them about the date of survey. If necessary, the second respondent shall also take assistance of jurisdictional police for protection, while conducting survey of the subject lands.

(3) Enquiry shall be conducted by the second respondent and survey by Head Surveyor of Illupur Taluk, instead of Tahsildar – third respondent.

(4) Survey shall be conducted in the presence of the petitioner and Mr.Palanisamy, son of Krishnan, representing all cultivating tenants.

(5) Head Surveyor, Illupur Taluk, shall conclude survey within a period of six weeks from the date of receipt of copy of this order and forward his report to the second respondent, who shall pass final orders within a period of four weeks from the date of receipt of report from Head Surveyor.



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No costs. Consequently, the connected W.M.P.(MD) Nos.2319 and 2320 of 2025 are closed.

04.02.2025

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

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P.B.BALAJI, J.

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