

W.P.(MD)No.3300 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.3300 of 2025

and

W.M.P(MD)No.2302 of 2025

A.Aneesh

... Petitioner

.Vs.

- 1.The District Collector,
Sivagangai District, Sivagangai.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Devakottai,
Sivagangai District.
- 3.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.
- 4.The Firka Surveyor,
Nachiyapuram Firka,
Thiruppathur Taluk,
Sivagangai District.
- 5.Ezhurpathu Adidravida Aikiya Sangam,
Rep. by its Secretary,
S.Tamilmaran,
Maruthangudi, Siravayal Post,
Sivagangai District.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide Na.Ka.A5/348/2025, dated 30.01.2025 and quash the same as illegal and consequently direct the third respondent to issue the copy of the survey report which was conducted on 03.10.2024 along with the Sketch to the petitioner in respect of the property in S.No.300/11 to an extent of 0.00.33 Hectare in Patta No.254, situated at Thenkarai Village, Thiruppathur Taluk, Sivagangai District, in conformity with the order passed by this Court in W.P(MD)no.14281 of 2024, dated 23.04.2024, within the stipulated time fixed by this Court.

For Petitioner : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

For Respondents : Mr.S.Kameswaran
Government Advocate for R1 to R4

ORDER

Heard the learned counsel on either side.

2.The writ petition is taken up for final disposal with the consent of the parties.

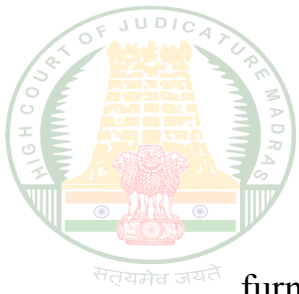


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3.The learned counsel for the writ petitioner would invite my attention to the order passed in W.P(MD)No.14281 of 2024, dated 02.07.2024, where, at the instance of the writ petitioner, the writ petition was moved seeking for survey to be conducted and boundary stones to be laid around the petitioner's property in Old S.No.182/1, New S.No.300/11, measuring an extent of 0.00.33 hectares, comprised in patta No.254, Thenkarai Village, Thiruppathur Taluk, Sivagangai District.

4.According to the petitioner, the said order directing the survey to be conducted and a copy of the report to be served on the parties was not complied with except for the fact that on 03.10.2024, the survey was conducted. It is the case of the writ petitioner that already survey was conducted and the portion of the petitioner's land was found to be encroached by the authorities. Eventhough the petitioner was aggrieved by such action of the respondents, the petitioner accepted the survey and put up fresh construction within the defined boundaries after the survey was conducted. Since the respondents had not



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furnished the copies of the survey report to the petitioner to enable further action to be taken, the petitioner even issued a notice, alleging contempt of the Court's order dated 02.07.2024 in W.P(MD)No.14281 of 2024.

5.The respondents, misconstruing the said notice issued by the petitioner, have again now informed the petitioner by notice dated 30.01.2025 in Na.Ka.A5/348/2025 proposing a survey to be conducted on 04.02.2025.

6.The learned counsel for the petitioner would submit that the exercise is in futility, since survey has already been conducted thrice and it would be a fourth survey that would be conducted and there is absolutely no necessity for the same, since the contempt notice was issued only for non-furnishing the survey report and not requesting for a survey.

7.The learned Government Advocate for the official respondents would submit that the respondents would provide the survey report and



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comply with the order of this Court, dated 02.07.2024 in a reasonable time. He would therefore, pray for suitable order being passed.

8.On going through the impugned communication dated 30.01.2025, I find that the said notice has been issued by the third respondent/Tahsildar, Thiruppathur Taluk, Sivagangai District, fixing the date for survey as 04.02.2025. It is also mentioned in the said notice that the survey is being conducted in pursuance of the order of this Court in W.P(MD)No.14281 of 2024, which order has already been complied with and the boundaries have been demarcated, pursuant to which the petitioner has also put up fresh construction in his property. The complaint of the writ petitioner itself was not calling for any fresh survey but only for documents to be produced in compliance with the order dated 02.07.2024. Therefore, from the reading of the impugned notice, it is clear that the third respondent/Tahsildar, has wholly misconstrued the purport of the contempt notice issued by the writ petitioner.



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9. In view of the above, the said impugned communication dated 30.01.2025 is liable to be quashed. In fine, the Writ Petition is allowed and the impugned communication in Na.Ka.A5/348/2025, dated 30.01.2025, is set aside and the third respondent shall furnish the copy of the survey report held on 03.10.2024 to the petitioner within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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

03.02.2025

To

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Thiruppathur Taluk,
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WEB COPY 4. The Firka Surveyor,
Nachiyapuram Firka,
Thiruppathur Taluk,
Sivagangai District.



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P.B.BALAJI,J.

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