



W.P.(MD)No.3455 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3455 of 2025
and
W.M.P(MD)Nos.2444 & 2445 of 2025

1.R.Kannan
2.T.Nagarajan

.... Petitioners

/Vs./

- 1.The Government of Tamil Nadu,
Represented by the District Collector,
Thoothukudi District.
- 2.The District Revenue Officer,
Thoothukudi District.
- 3.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.
- 4.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.
- 5.The Taluk Surveyor,
Ottapidaram Taluk,
Thoothukudi District.



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6.S.Devaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the third respondent in Na.Ka.A2/12045/2024 dated 16.12.2024 and quash the same.

For Petitioner : Mr.Raguvaran Gopalan

For R1 to R5 : Mr.S.Kameswaran
Government Advocate

ORDER

With the consent of parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. I have heard Mr.Raguvaran Gopalan, learned counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the respondents 1 to 5.

3. The third respondent has issued an enquiry notice, dated 16.12.2024 in Na.Ka.A2/12045/2024 fixing the date of enquiry as 24.12.2024 in furtherance of the orders of this Court in W.P(MD)No. 30170 of 2023, dated 19.12.2023.



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4. The grievance of the writ petitioner is that an enquiry notice is styled under the heading Sub-division, Cancellation. According to learned counsel for the petitioner Mr.Raguvaran Gopalan, the purport of filing the writ petition in W.P(MD)No.30170 of 2023 by the writ petitioners therein was only seeking a survey of the properties and not seeking cancellation. The learned counsel has taken me to the order of this Court, dated 19.12.2023 in this regard. On perusal of the same, it is clear that the writ petition was filed by the sixth respondent herein seeking only writ of mandamus to direct the respondents to measure and fix the four boundaries of the said Devaraj's property in Survey No. 259/1B, 259/2B, 259/3B and 258/2A. The writ petition was disposed of at the admission stage giving liberty to any aggrieved party to move this court either by way of review or recall of this order. This Court only directed the official respondents to conduct survey after issuing notice to all interested parties, including the adjacent Land owners. However, in and by the impugned notice, the 3rd respondent has misconstrued the order of this Court and has called upon the petitioner to appear for an enquiry regarding cancellation of the subdivision itself, which in my



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considered opinion, is beyond the scope of the order of this Court in the earlier writ petition in W.P.(MD)No.30170 of 2023, dated 19.12.2023.

5. In view of the above, it is made clear that the 3rd respondent is at liberty to go ahead with the enquiry proceedings in furtherance of the order of this Court dated 19.12.2023 in W.P.(MD)No.30170 of 2023 and at the same time, an enquiry should be limited to the scope of the order passed by this Court and not in excess of the same. The petitioner shall be put on advance notice about the next hearing date to the enquiry and they should be allowed to participate and submit necessary documents.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are also closed.

Index : Yes / No
NCC : Yes / No
am

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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.3455 of 2025

Dated:
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