



W.P.(MD)No.6391 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.6391 of 2025

and

W.M.P.(MD)No.4700 of 2025

K.Punniyamoorthi

: Petitioner

Vs.

1.The Tahsildar,
Thiruvaiyaru Taluk Office,
Thiruvaiyaru Taluk,
Thanjavur District.

2.M.Valarmathi

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, issue a of a Writ of Certiorarified, calling for the records from the office of the first respondent pertaining to the impugned notice in Na.Ka.No.0209/2025/B1 dated 27.02.2025 in respect of S.No.311/18 situated at Rajendhiram Village, Thiruvaiyaru Taluk, Thanjavur District and quash the same as illegal.



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For Petitioner : Mr.P.Vadivel
For Respondent No.1 : Mrs.S.Jeyapriya,
Government Advocate
For Respondent No.2 : Mr.A.Haja Mohideen

ORDER

The petitioner challenges the order of the Tahsildar in Na.Ka.No.0209/2025/B1 dated 27.02.2025.

2.Heard the learned Counsel for the parties.

3.Learned Counsel for the petitioner would submit that despite specific directions issued by this Court in W.P.(MD)No.28003 of 2024, the first respondent without adhering to any of the conditions passed by this Court, has proceeded to pass the impugned order.

4.Learned Counsel for the first respondent as well as learned Counsel for the private respondent would submit that the impugned order clearly reflects that enquiry was conducted before taking the decision to survey. Therefore, there is no violation of the order passed by this Court in W.P.(MD)No.28003 of 2024. Learned Counsel, therefore, seek for dismissal of the Writ Petition.



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5. Having considered the submissions advanced by the learned Counsel on either side and on going through the impugned order in the writ petition, I find that there is a reference to an enquiry having been conducted, after hearing the parties. However, there is no reference to any date on which such enquiry was conducted and even otherwise as per the directions of this Court, even in the order of the first respondent, for having come to the conclusion that the objections of the writ petitioner are liable to be over ruled. Even then, the survey would have to be conducted only after giving sufficient time to the writ petitioner, to move the competent Civil Court for injunction and only after lapse of atleast six [6] weeks period, the survey can be proceeded with. The findings of the enquiry report would also have to be furnished to the parties, including the petitioner as well as the second respondent. That also appears to have not been done. Therefore, as rightly contended by the learned Counsel for the petitioner, the directions issued by this Court in W.P.(MD)No.28003 of 2024 have been floated by the first respondent.

6. In view of the above, the Writ Petition is allowed, the impugned order dated 27.02.2025, is set aside and the matter is remitted to the first respondent to pass orders on the second



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respondent's application, by strictly complying with all the conditions imposed in the order in W.P.(MD)No.28003 of 2024 dated 25.11.2024. The said exercise shall be completed within a period of eight [8] weeks from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

28.03.2025

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



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To
The Tahsildar,
Thiruvaiyaru Taluk Office,
Thiruvaiyaru Taluk,
Thanjavur District.



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P.B.BALAJI., J.

MR

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