



W.P.(MD)No.23182 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.23182 of 2024

and

W.M.P(MD)Nos.19639 & 19640 of 2024

R.Chandra

.... Petitioner

/Vs./

1.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Valliyoor.

3.Palkani

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the first respondent in Pa.Mu./C.Pa.A.126 (1338)/2024/AA3 dated 02.07.2024 quash the same and consequently direct the second respondent to conduct survey as per his order dated 22.01.2024.



W.P.(MD)No.23182 of 2024

WEB COPY

For Petitioner : Mr.M.Subbiah
For R1 & R2 : Mrs.S.Jeyapriya
Government Advocate
For R3 : No appearance

ORDER

Despite an opportunity being granted to the third respondent to make appearance before any orders can be passed, even today, when the matter is taken, there is no representation.

2. I have heard the learned counsel appearing for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate appearing for the official respondents 1 & 2.

3. The writ petitioner's grievance is that despite the Tahsildar's order being appealable under Rule 2(c) of the Tamil Nadu Survey and Boundaries Rules, 1925 before Sub Assistant Director of Survey, the 3rd respondent has preferred an appeal before the Sub Collector, who has no jurisdiction to enquire into the matter and act as an appellate authority under the rules.



W.P.(MD)No.23182 of 2024

WEB COPY

4. The learned counsel for the petitioner further submitted that the Tahsildar after conducting a detailed enquiry, that too, in pursuance of the orders of this Court in W.P(MD)No.28385 of 2023, dated 01.12.2023 and having rejected the contention of the third respondent, allowed the claim of the petitioner herein. However, the first respondent without any power or jurisdiction has entertained the appeal at the instance of the third respondent without even noticing the fact that the Tashildar has followed the directions issued by this Court in W.P(MD)No.28385 of 2023. Even otherwise not being the competent authority to sit on appeal over the order of the second respondent, the first respondent ought not to have entertained the appeal filed by the third respondent.

5. Therefore, on the limited ground of lack of jurisdiction, the impugned order is set aside. The petitioner is entitled to have a survey conducted based on the order of the second respondent, dated 22.01.2024. The said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order and the third respondent shall be put on notice about the proposed survey in advance and the petitioner as well as the third respondent may be given an



W.P.(MD)No.23182 of 2024

WEB COPY

opportunity to be present and give their memo of instructions/objections to the survey authorities at the time of survey.

6. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
NCC : Yes / No
am

24.02.2025

To

1.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Nanguneri Taluk,
Valliyoor.



WEB COPY



W.P.(MD)No.23182 of 2024

P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.23182 of 2024

Dated:
24.02.2025