



WA(MD). No.718 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 26/03/2025

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mrs. JUSTICE S.SRIMATHY

WA(MD). No.718 of 2025
and CMP(MD) Nos.4994 and 4995 of 2025

Murugan

... Appellant/7th
respondent

Vs

1.Murugan

2.The District Collector
Theni, Theni District

3.The Tahsildar,
Office of the Taluk Office,
Andipatti Taluk, Theni District

4.The Head Surveyor
Office of the Taluk Office,
Andipatti Taluk, Theni District

5.The Inspector of Police,
Rajadhani Police Station,
Theni District

6.Ramar

7.Manikandan

8.Vasantha

9.Thangapandi

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10.Tamilselvi
11.Tamilkodi
12.Vijayarani
13.Rasathi
14.Rajkumar
15.Ramkumar
16.Rangini

... Respondents

PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 30.08.2024 in WP(MD). No. 20671/2024.

For Appellant : Mr.P.Rajagopalan

For Respondents : Mr.M.Sarangan for R2 to R4
Additional Government Pleader
Mr.A.Albert James for R5
Government Advocate (Crl. side)

JUDGMENT

(Judgment of the Court was delivered by J.NISHA BANU J.)

The 7th respondent in the writ petition is the appellant herein.

2. The writ appeal is directed against the order of the writ Court dated 30.08.2024 in WP(MD) No.20671/2024.

3. We have heard the learned counsel for the appellant, learned counsel for the learned Additional Government Pleader for the respondents 2 to 4, the learned Government Advocate for the 5th



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respondent and perused the materials available on record.

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4. The writ petition has been filed for a direction to the official respondents to conduct survey and demarcate the properties in S.No. 1234/1B and 1234/2A at Mottanoothu Village, Andipatti Taluk, based on the application of the first respondent/writ petitioner. The writ Court, after recording the submission of the respondents 2 and 3 therein, directed the writ petitioner to remove the Karuvelam trees standing in the said properties and also directed the official respondents to survey and demarcate the properties thereafter. However, aggrieved by the said direction, the private respondent/7th respondent in the writ petition is before this Court with this writ appeal.

5. It is the contention of the appellant/7th respondent that the writ Court had directed the official respondents to conduct survey and demarcate the properties without issuing notice to the adjacent land owners. Since the appellant is the adjacent land owner, notice necessarily be issued to him also. It is his further case that S.No.1234/1B alone is in favour of the first respondent, whereas for S.No.1234/2A, the



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first respondent has no right or title whatsoever. Therefore, there was no direction to that effect of giving notice to the adjacent land owners and hence, the appellant is aggrieved by the order of the writ Court.

6. In view of the above, since the appellant is the adjacent land owner, who shall also be heard by providing an opportunity to him, the writ appeal is disposed of with a direction to the respondents 3 and 4 to conduct survey of the properties in S.Nos.1234/1B and 1234/2A. It is made clear that before conducting survey, the respondents 3 and 4 shall give notice to the appellant and before the survey, the Karuvelam trees standing in S.Nos.1234/1B and 1234/2A shall not be removed by the first respondent/writ petitioner.

7. With the above direction, the writ appeal is disposed of. No costs. Consequently connected Miscellaneous Petitions are closed.

[J.N.B.,J]

[S.S.Y.,J]

26.03.2025

NCC : Yes/No

Index : Yes/No

RR



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ORDER
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