



WEB COPY

WP No. 23935 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-06-2026

CORAM

THE HON'BLE DR JUSTICE G. JAYACHANDRAN

AND

THE HON'BLE MRS.JUSTICE N. MALA

WP No. 23935 of 2026

AND

WMP NO. 25999 OF 2026

Maha Swetha
D/o.Nagarajan
Door No.323/423,Near Kannadi Mill
Therkku Kadu
Attur Town
Salem District -636 102

..Petitioner(s)

Vs

1. The District collector
Salem -636 001
Salem District
2. The Tahsildar
Attur Taluk
Attur-636102
Salem District
3. The Commissioner
Attur Municipality
Attur-636 102
Salem District
4. Sumathi
D/o.Krishna Naicker
Door No.32/9, Yazhini castle
Flat No.2C, Second floor
Second cross
Seventh main Road
Srinivasa Nagar
Trichy -620017



..Respondent(s)

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari, to call for the records on the file of 3rd respondent in Na.Ka.No.3714/2024/F1 dated 4.6.2026 and quash the same.

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For Petitioner(s): MR.R.Sunilkumar

For Respondent(s): Mr.B.Sivakollapan, Ga For R1 And R2

Order

(Order of the Court was made by Dr.G.Jayachandran J.)

- (1) Mr.B.Sivakollapan, learned Government Advocate accepts notice on behalf of the respondents 1 and 2.
- (2) By consent, the main writ petition is taken up for final disposal. Since no adverse order is passed as against the 4th respondent, notice to the 4th respondent is dispensed with.
- (3) The learned counsel for the petitioner submitted that the impugned order dated 04.06.2026, to remove the compound wall put up in the patta land of the petitioner, was passed without proper survey of the land. To buttress his submission, the learned counsel had drawn our attention to the aforesaid impugned notice, wherein it was specifically mentioned that the date was fixed on 30.01.2026 for measuring and surveying the property. However, on the said date, though the petitioner was present,



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no survey was conducted due to administrative reasons and hence, the date was fixed on 03.02.2026 for survey and measurement. However, on 03.02.2026, no survey was conducted since the petitioner was not present. It appears that in the absence of the petitioner, the authorities have not surveyed the land, but however proceeded to issue the impugned notice without survey. In the said circumstances, we are of the view that the impugned order is liable to be set aside and before passing any order of eviction, the land in question, has to be surveyed in the presence of the writ petitioner herein.

- (4) In the said circumstances, we are of the view that the impugned order is liable to be set aside and before passing any order of eviction, the land in question has to be surveyed in the presence of the writ petitioner herein.
- (5) In the result, the writ petition is **disposed of with the following directions:-**

[a]The impugned order dated 04.06.2026, passed by the 3rd respondent, is set aside.

[b]The 3rd respondent shall issue fresh notice to the writ petitioner, fixing the date for survey of the land.

[c]Copy of the said notice may be served to the other parties who are also interested.

[d]On the date fixed for survey, the writ petitioner or her representative should be present at the site without fail and in the



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presence of the writ petitioner / her representative, survey should be conducted and based on the survey report, necessary orders shall be passed.

No costs. Consequently, connected miscellaneous petition is closed.

(G.J.,J.) (N.M.,J.)
24-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

AP
To

1. The District collector
Salem -636 001
Salem District
2. The Tahsildar
Attur Taluk
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Salem District
3. The Commissioner
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Attur-636 102
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**DR.G.JAYACHANDRAN J.
AND
N.MALA J.**

AP

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