

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2045 of 2018
and
WMP.Nos.2557 & 2558 of 2018

P.Ramakrishnan

.. Petitioner

Vs.

1. The District Collector
Tirupur District.
2. The Sub Collector
Tirupur District.
3. The Tahsildar
Avinashi Taluk
4. The Village Administrative Office
Palangaarai Village
Avinashi Taluk.
5. The Taluk Surveyor
Avinashi Taluk.
- 6.P.Gandhimathi
7. P.Sivaprakash
8. P.Balachandar
9. Varadharaja Gounder
- 10.V.Subramaniam
11. K.Subramaniam
12. K.Murugasamy
- 13.K.Dhanabakkiyam
- 14.K.Kalpana

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the 5th respondent herein pertaining to his notice dated 19.01.2018 bearing No.AA/12/2018 and to quash the same and forbear the respondents from undertaking a survey / subdivision of the property without there being a decree for partition with the said notice.

For Petitioner : Mr.S.Mukunth

For Respondents : Mr.R.Govindasamy
Special Government Pleader for R1 to R5

O R D E R

This writ petition is filed challenging the proceedings of the fifth respondent dated 19.01.2018, which is nothing but a notice issued to the petitioner, calling upon him to appear for an enquiry scheduled on 24.01.2018, for considering the application of one Ponnusamy for surveying the subject matter land.

2. Though the learned counsel for the petitioner sought to contend that the said request of Ponnusamy, who is no more, as on today, cannot be entertained by the fifth respondent, based on certain facts and circumstances, this Court, is not inclined to entertain this writ petition, as the impugned proceedings is nothing but a simple notice of enquiry. Therefore, nothing prevents the petitioner from appearing before the fifth respondent and raise all the objections, as raised in this writ petition.

3. The learned counsel for the petitioner submitted that the enquiry was not conducted on the said day, namely 24.01.2018, and on the other hand, it was deferred, as the petitioner has indicated before the fifth respondent that he would move a writ petition.

4. Therefore, it is for the petitioner to appear before the fifth respondent and raise all the objections. Accordingly, this writ petition is disposed of, without expressing any view on the

merits of the claim made by the petitioner, only on the reason that this writ petition is not maintainable, as against the enquiry notice issued by the fifth respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

mk

To

- 1.The District Collector
Tirupur District.
- 2.The Sub Collector
Tirupur District.
- 3.The Tahsildar
Avinashi Taluk
- 4.The Village Administrative Office
Palangaarai Village, Avinashi Taluk.
- 5.The Taluk Surveyor
Avinashi Taluk.

+ 1 cc to M/s.Sarvabhauman Associates, Advocate, SR.7565
+ 1 cc to The Govt.Pleader, SR.8002

W.P.No.2045 of 2018

nr 14/02/2018

सत्यमेव जयते

WEB COPY