



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P. No.1946 of 2011 &
M.P.No.1 of 2011

K.Muthusamy Gounder

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Tiruppur, Tiruppur District.

2.The Tahsildar,
Avinashi Taluk,
Tiruppur District.

3.The Village Administrative Officer,
Ramanathapuram Village,
Avinashi Taluk.

4.The Taluk Surveyor,
Avinashi Taluk,
Tiruppur District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to forbear the respondents from entering into petitioner's land situated in S.F.No.161/1, 161/2, 164/2, 164/3 and 170 in Ramanathapuram Village, Tiruppur District in the guise of measuring the land for sub division.

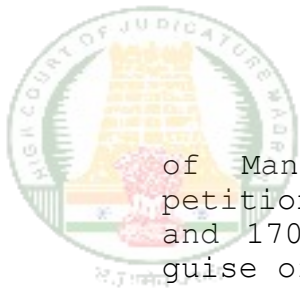
For Petitioner : Mr.C.Prakasam

For Respondents : Mr.B.Anand
Government Advocate for R1, R2 & R4
(R-3 dismissed)vide Court order

O R D E R

Heard Mr.C.Prakasam, learned counsel for the petitioner; Mr.B.Anand, learned Government Advocate for the respondents 1, 2 and 4 and perused the materials available on record.

2. This Writ Petition has been filed for issuance of Writ



of Mandamus forbearing the respondents from entering into petitioner's land situated in S.F.No.161/1, 161/2, 164/2, 164/3 and 170 in Ramanathapuram Village, Tiruppur District under the guise of measuring the land for sub division.

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3. According to the learned counsel for the petitioner a suit in respect of the property was already pending before the Sub Court in O.S.No.252 of 1983 and when the suit is pending, the opposite party, viz., Govindarajan approached the respondents for measurement of the property and hence a notice dated 18.01.2011 was issued.

4. The learned Government Advocate would submit that even without giving any proper representation, the Writ Petition has been filed on the surmises that the respondents are going to measure the property in question. It is further submitted that if a proper representation is given, it would be considered in accordance with law.

5. In the light of the above submissions, the petitioner is directed to give a representation to the second respondent by enclosing a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On such compliance, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, after providing opportunity to all necessary parties within a period of eight weeks therefrom.

6. With the above direction, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Revenue Divisional Officer,
Tiruppur,
Tiruppur District.

2.The Tahsildar,
Avinashi Taluk,
Tiruppur District.



3.The Taluk Surveyor,
Avinashi Taluk,
Tiruppur District.

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4.The Village Administrative Officer,
Ramanathapuram Village,
Avinashi Taluk.

+1 cc to Mr.C.Prakasam, Advocate, Sr.No.66979

+1 cc to The Government Pleader, Sr.No.67091

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VD(CO)
CSL/22.10.2018