

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17572 of 2020

K.N.Subramaniam, (M/A-49)
S/o.Nataraja Gounder,
3/74, Paramakadu Thottam,
Karukkampalayam,
Avinashi Taluk,
Thriuppur District.

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Thiruppur District.

2.The Tahsildar,
Avinashi Taluk Office,
Avinashi,
Thiruppur District.

3.K.Natarajan, (M/A-70)
S/o.Kumarasamy Gounder,
D/No.3/29, Paramakadu Thottam,
Karukkampalayam, Post
Avinashi Taluk,
Thriuppur.

4.N.Balachander, (M/A-45)
S/o.K.Natarajan,
D.No.3/29, Paramakadu Thottam
Karukkampalayam, Post
Avinashi Taluk,
Thriuppur

5.K.N.Ramamoorthy, (M/A-52)
S/o.K.Natarajan,
D.No.83, Gandhi Road,
Anupparapalayam,
Thiruppur - 641654.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus to call for the records from the 2nd respondent in

E.A.46/2020/S-1 dated 13.08.2020 and to quash the same and to direct the respondents 1 to 2 to measure the property of the petitioner through surveyor at SF No:212/3, Chinnaripalayam Village, Avinashi Taluk, Tiruppur District within time stipulated by this Court.

For Petitioner : Mr.M.Saravanakumar

For Respondents: Mr.E.Balamurugan (for R1 & R2)
Special Government Pleader

ORDER

This Writ Petition has been filed challenging the impugned communication of the second respondent dated 13.08.2020, refusing to conduct the survey in the subject property.

2.The case of the petitioner is that the petitioner is the absolute owner of the subject property and he made an application before the respondents for survey of the property and the same was refused by the second respondent on the ground that there was already a civil suit pending in O.S.No.133 of 2019 before the Sub Court, Avinashi. Aggrieved by the same, the present Writ Petition has been filed before this Court.

3.Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.E.Balamurugan, learned Special Government Pleader.

4.There is already a substantial suit that is pending before a competent Court and hence, the second respondent has rightly refused to conduct any survey in the subject property. If at all the petitioner wants any survey to be conducted in the property, he should move an appropriate application before the concerned Civil Court and work out his remedy. The petitioner cannot be allowed to parallelly seek for the help of the revenue authorities in order to develop his case before the Civil Court.

5.In view of the above, this Court is not inclined to entertain the Writ Petition and accordingly, the same is dismissed. No costs.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The District Collector,
Collectorate,
Thiruppur District.

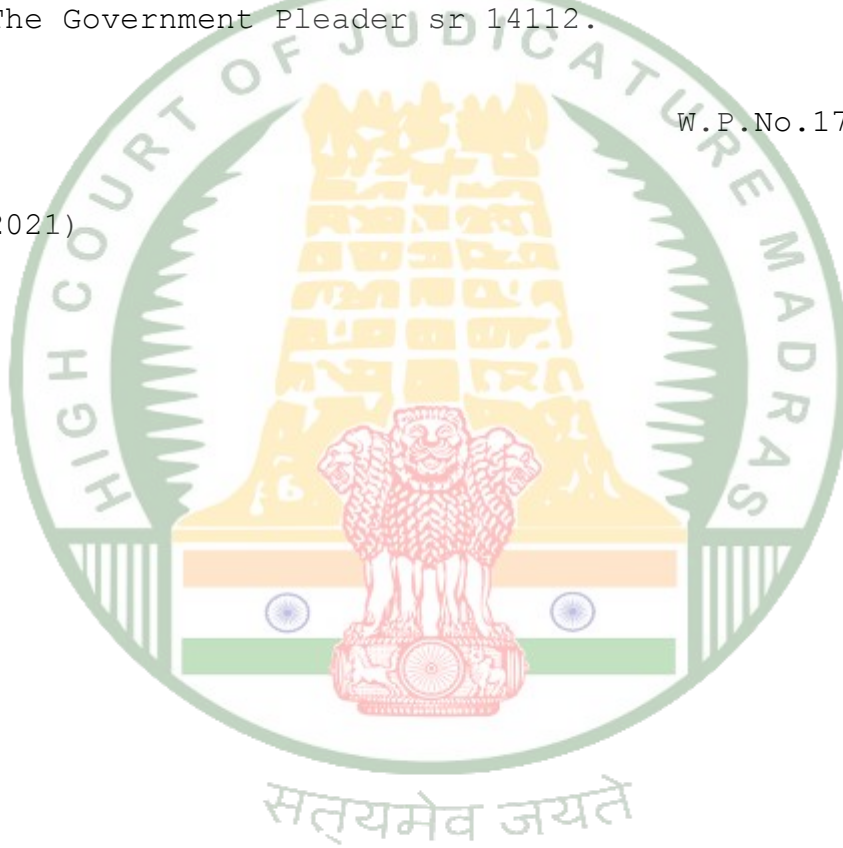
2.The Tahsildar,
Avinashi Taluk Office,
Avinashi,
Thiruppur District.

+1 CC to Mr.M.Saravanakumar, Advocate sr 40265.

+1 CC to The Government Pleader sr 14112.

W.P.No.17572 of 2020

PM(CO)
SP(07/01/2021)



WEB COPY