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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.3043 OF 2018

AND

W.M.P.NO.3712 OF 2018 AND W.M.P.NO.27912 OF 2021

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 Officer,  
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.Dhanabakkiyam
12. K.Subramaniam
13. K.Murugasamy
14. K.Kalpana
15. K.Thangathal

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent herein pertaining to his order dated 06.02.2018 bearing Boundary Survey File No.12/2018/S2 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 order.

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For Petitioner : Mr.S.Mukunth  
For Respondents : Mr.A.M.Ayyadurai  
Government Advocate (R1 to R5)  
Mr.C.Prabakaran (for R6 to R10)  
Mr.C.Ramraj (for R11 to R14)

#### ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus to call for the records of the third respondent herein pertaining to his order dated 06.02.2018 bearing Boundary Survey File No.12/2018/S2 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 order.

2. The petitioner is challenging the notice issued by the third respondent dated 06.02.2018, thereby calling upon the petitioner for enquiry on the application submitted by one Ponnusamy and others for surveying and demarcating the properties comprised in S.F.Nos.468/3,1 469/3 and 483/1, 2 situated at Palangarai Village, Avinashi Taluk, Tirupur District. It is only a notice for enquiry on the application submitted by the said Ponnusamy and others. Therefore, the petitioner can very well appear before the third respondent and submit his objections to survey and demarcate the above said properties. Hence, this Court finds no infirmity or illegality in the order passed by the third respondent and this Writ Petition is devoid of merits.

3. In the result, this Writ Petition is dismissed. However, the third respondent is directed to issue fresh notice to the petitioner, the said Ponnusamy and the respondents 6 to 15 and herein within a period of two weeks from the date of receipt of a copy of this order. On receipt of the same, the third respondent is directed to conduct enquiry, after giving an opportunity of hearing to them and pass orders on merits and in accordance with law within a period of eight weeks thereafter.



Consequently, the connected Miscellaneous Petitions are closed.  
No costs.

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Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kv

To

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

+1cc to M/s.Sarvabhauman Associates, S.R.No.69701  
+1cc to Mr.C.Prabakaran, Advocate, S.R.No.69868  
+1cc to the Government Pleader, S.R.No.69815

W.P.No.3043 of 2018

SRA (CO)  
PM/12/01/2022