

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE N.SESHASAYEE

W.P.No.5057 of 2020
and W.M.P Nos. 5975 & 17113 of 2020

S. Aravind

...Petitioner

Vs

1. The Tahsildar
Coimbatore North Taluk,
Dr.Balasundram Road,
Coimbatore 641 018.
2. The Surveyor
Sub - Taluk Surveyor
O/o. Tahsildar,
Coimbatore North Taluk,
Dr.Balasundram Road,
Coimbatore 641 018.

3. T. Chitra

....Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for record pertaining to the impugned notice Nil dated 12.02.2020 issued by the 2nd respondent from the office of the 1st respondent to the petitioner regarding sub-division of the petitioner's land in Survey No.282/2 in No.14, Saravanampatti Village, Coimbatore North Taluk, Coimbatore District and quash the same.

For Petitioner : Mr. R.Neelakandan

For Respondents : Mr.M.Manigopi

Government Adocate [R1 & R2]

Mr. R.N.Amarnath [R3]

ORDER

The petitioner challenges the notice of the Surveyor dated 28.02.2020, which he has issued for surveying the property of the petitioner and the third respondent. This was done pursuant to the order obtained by the third respondent in W.P.No.9060/2018 dated 27.11.2019.

2. The learned counsel for the petitioner submits that there is a boundary dispute pending between the petitioner and the third respondent, and the petitioner also wants to clarify certain position as to the title of the property, which the third petitioner attempts to establish.

3. Mr.M.Manigopi, learned Government Advocate who takes notice for the respondents 1 and 2 submits that the enquiry for the purpose is scheduled to take place at 3.00 p.m., on 05.03.2021 in the Office of the Tahsildar, Coimbatore North Taluk / first respondent. The said statement is recorded.

4. Inasmuch as the date for enquiry is fixed by the respondents, no direction is required to be given except that the first respondent/Tahsildar, Coimbatore North Taluk is directed to hold an enquiry after issuing notices to all the parties who are likely to be affected by his decision, and after providing the parties a fair and effective hearing and to dispose of the said representation through a speaking order within a period of twelve (12) weeks from the date of service of order copy, subject to such time that may be lost in responsibilities connected with the ensuing General Election of the Tamil Nadu State Legislative Assembly, 2021.

5. This Court underscores that when statutory authority issues a notice for enquiry, it is only appropriate that parties appear before the authority to explain the facts which are required for the purpose of enquiry.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Thasildar
Coimbatore North Taluk,
Dr.Balasundram Road,
Coimbatore - 641 018.

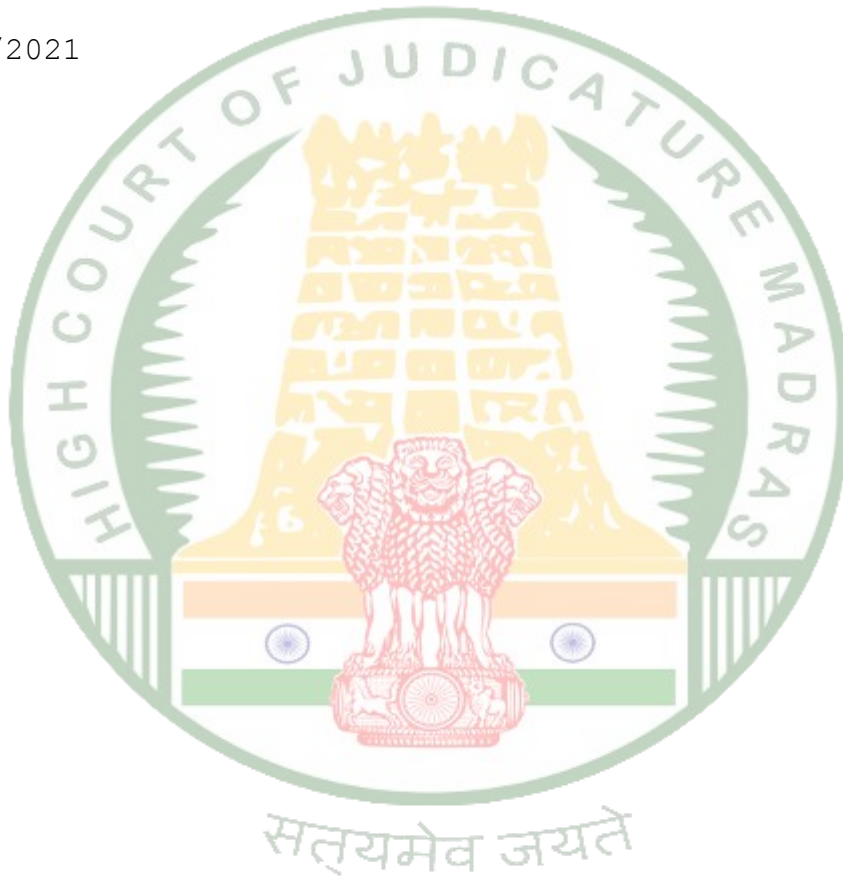
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2. The Surveyer
Sub - Taluk Surveyor
O/o, Tahsildar,
Coimbatore North Taluk,
Dr.Balasundram Road,
Coimbatore - 641 018.

+1cc to Mr.Amarnath, Advocate, S.R.No.10757
+1cc to the Government Pleader, S.R.No.10337

W.P.No.5057 of 2020

MG (CO)
KKV/26/02/2021



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