



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.25230 of 2021 and
WMP.Nos.26605 & 26606 of 2021

Jambulingam

...Petitioner

Vs

1.The Tahsildar,
O/o.Thasildar,
Avinashi,
Tiruppur District

2.The Head Surveyor,
Survey and Lands Records,
Avinashi East (G),
Collectorate Building,
Tiruppur District

3.Narayanamoorthy
4.C.Rajamanickam

...Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order made in C.A.A.223/2021/No.1 dated 01.11.2021 passed by the first respondent quash the same and consequently forbear the fourth respondent from in any manner interfering with the possession and enjoyment of the petitioner's properties comprised in S.Nos.108/2C & 108/2B situated at Kuppandampalayam Village, Avinashi Taluk, Tiruppur District admeasuring a total extent of 1.96 ¼ acres.

For Petitioner	:	Mr.G.Ethirajulu
For Respondents	:	
For R1 & 2	:	Mr.A.Selvendran, Special Government Pleader

ORDER

This writ petition is filed to issue a Writ of Certiorarified Mandamus calling for the records relating to the order made in C.A.A.223/2021/No.1 dated 01.11.2021 passed by the first respondent, quash the same and consequently forbear the



fourth respondent from in any manner interfering with the possession and enjoyment of the petitioner's properties comprised in S.Nos.108/2C & 108/2B situated at Kupbandampalayam Village, Avinashi Taluk, Tiruppur District admeasuring a total extent of 1.96 ¼ acres.

2. The petitioner filed application before the first respondent to survey and demarcate the boundaries in respect of the property comprised in survey Nos.108/2C & 108/2B situated at Kupbandampalayam Village, Avinashi Taluk, Tiruppur District. However, the first respondent passed the impugned order stating that the third respondent objected the survey to be conducted by the first respondent as that the suit filed by him is pending in OS.No.49 of 2015 on the file of the Sub Court, Avinashi.

3. Mere pendency of the said suit is not an impediment for the first respondent to survey and demarcate the subject property. Admittedly, there is no interim order pending as against the first respondent restraining the first respondent from measuring and demarcating the boundaries in respect of the subject property.

4. In view of the above, the impugned order is liable to be set aside. Accordingly, the impugned order dated 01.11.2021 of the first respondent is set aside. The first respondent is directed to issue notice to the petitioner and the respondents 3 and 4 herein within a period of two weeks from the date of receipt of copy of this order and thereafter conduct enquiry and, after giving them opportunity of hearing, pass orders on merits and in accordance with law to survey and demarcate the boundaries in respect of the property comprised in survey Nos.108/2C & 108/2B situated at Kupbandampalayam Village, Avinashi Taluk, Tiruppur District as requested by the petitioner, on payment of requisite fees, within a period of twelve weeks thereafter.

5. With the above directions, this writ petition is allowed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Tahsildar,
O/o.Thasildar,
Avinashi,
Tiruppur District.

2.The Head Surveyor,
Survey and Lands Records,
Avinashi East (G),
Collectorate Building,
Tiruppur District.

+1cc to Government Pleader SR. No.61983

+1cc to Mr.G.Ethirajulu, Advocate SR. No.61850

WP.No.25230 of 2021

NK (CO)

PR (10/12/2021)