



W.P.No.17141 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

W.P.No.17141 of 2024

Shanmugasundaramoorthy

.. Petitioner

Vs

1.The Secretary
Rep. by the Revenue Department
Secretariat, St. George Fort
Chennai

2.The District Collector
Collector Office
Erode

3.The Sub Collector
Sub Collector Office
Gobichettipalayam
Erode District

4.The Tahsildar
Taluk Office, Nambiyur Taluk
Erode District

5.The Surveyor
Nambiyur Taluk Office
Nambiyur Erode District

6.The Village Administrative Officer
Nichampalayam Village
Nambiyur Taluk, Erode District

.. Respondents



W.P.No.17141 of 2024

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to give a direction to the 5th respondent to conduct the survey in Nichampalayam Village, Nambiyur Taluk, Erode District, Survey No.116, Sub Division 4 is having 0.14 hec it consists of 4 boundaries and sub division 5 is having 0.16 hec it consists of 4 boundaries. Patta Number is 897. But 5th respondent did not conduct survey till date 01.03.2024 and sub division 5 is having the petitioner's land within time fixed by this Hon'ble Court.

For Petitioner : Mr.A.Vijayanathan
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed for a direction to the respondents 1 to 4 to give a direction to the 5th respondent to survey the petitioner's land, within the time stipulated by this Court.

3. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials placed on record.



W.P.No.17141 of 2024

4. It is the grievance of the petitioner that the 5th respondent had refused to survey the petitioner's land citing the reason that O.S.No.179 of 2022 is pending on the file of the Sub Court, Gobichettipalayam. Hence, the present writ petition.

5. When this Court posed a query to the learned counsel for the petitioner as well as the petitioner, who is present before this Court, it is submitted that a suit for declaration is already pending in respect of the same property. Further, the written instructions submitted by the learned Special Government Pleader before this Court also reveals that O.S.No.179 of 2022 is pending.

6. In such view of the matter, as the suit for comprehensive relief is already pending in respect of the same property and the petitioner also filed an application in the pending suit to survey the property through an Advocate Commissioner, the same shall be decided expeditiously by the learned Sub Judge, Gobichettipalayam, after hearing other side.

With the above direction, this writ petition is disposed of. No costs.

03.07.2024

gya



W.P.No.17141 of 2024

N.SATHISH KUMAR, J.

gya

WEB COPY

To

1.The Secretary
Revenue Department
Secretariat, St. George Fort
Chennai

2.The District Collector
Collector Office
Erode

3.The Sub Collector
Sub Collector Office
Gobichettipalayam
Erode District

W.P.No.17141 of 2024

4.The Tahsildar
Taluk Office, Nambiyur Taluk
Erode District

5.The Surveyor
Nambiyur Taluk Office
Nambiyr Erode District

6.The Village Administrative Officer
Nichampalayam Village
Nambiyur Taluk, Erode District

03.07.2024