



WA No.2910 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

WA No.2910 of 2024

1.Chandrakalamani

2.A.Ponnusamy

: Appellants

versus

1.R.Mohan

2.The Sub Collector,
Tiruppur

3.The Tahsildar (Revenue)
Avinashi Taluk, Tiruppur District

4.The Taluk Surveyor,
Avinashi West,
Office of the Taluk Office,
Tiruppur

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.11532 of 2024 dated 26.04.2024.



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For the Appellants

: Mr.MA.P.Thangavel

For Respondents 2 to 4 :

Mr.A.Edwin Prabakar,
State Government Pleader

JUDGMENT

(Judgment of the Court was made by the Hon'ble Chief Justice)

This writ appeal is filed impugning the order dated 26.04.2024 in WP No.11532 of 2024, passed by the learned Single Judge of this court, setting aside the order passed by respondent No.3 herein.

2. Respondent No.3, on an application made by the appellants, had permitted for survey of a property which was also subject matter of a suit in O.S.No.462 of 2023. The said suit is pending before the Sub Court, Avinashi. In our view, learned Single Judge had correctly set aside the order passed by respondent No.3 on the ground that such an application ought to have been made before the Sub Court, Avinashi.

3. Mr.MA.P.Thangavel, learned counsel for the appellants, submitted that Tahsildar, respondent No.3, had passed the order



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permitting survey, after hearing both the parties. Even so, in our view, when a suit is pending between the parties for the same property, the appellants ought to have applied to the said court for appropriate relief. Therefore, no case is made out. The writ appeal is dismissed. There will be no order as to costs. Consequently, CMP No.21504 of 2024 is closed.

(K.R.SHRIRAM, CJ.)

(D.KRISHNAKUMAR, J.)

27.09.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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