



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19890 of 2024

D.Gopalakrishnan

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Petitioner

versus

1.The District Collector,
Office of the District Collector,
Erode District, Erode.

2.The Assistant Director,
Land Survey and Records Department,
Erode.

3.The Tahsildar,
Office of the Tahsildar,
Perundurai Taluk,
Erode District.

4.The Surveyor,
Survey and Land Records Department,
Office of the Tahsildar,
Perundurai Taluk,
Erode District.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the third respondent in



Ma.Aa.Ma.Ku.Thee.Petition.53/2023/S2 dated 05.12.2023 and quash the same and consequently direct the respondents to conduct a survey of petitioner's land measuring to an extent of 1.80 Acres in Resurvey Nos.725/2 & 725/3 in Pallapalayam Village, Perundurai Taluk, Erode District, by considering the petitioner's online applications dated 23.11.2023 & 23.02.2024 and representations dated 23.11.2023, 24.11.2023, 27.11.2023, 14.12.2023 and 23.12.2023, in the light of the provisions of the Tamil Nadu Survey and Boundaries Act, 1923.

For Petitioner : Mr.N.S.Suganthan
For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

By consent of both sides, this Writ Petition is disposed of at the stage of admission itself.

2. This Writ Petition is filed to quash the impugned order dated 05.12.2023 passed by the third respondent and consequently direct the respondents to conduct a survey of the petitioner's land measuring an extent of 1.80 acres in resurvey Nos.725/2 & 725/3 in Pallapalayam Village, Perundurai Taluk, Erode District, by considering the petitioner's online applications dated 23.11.2023 & 23.02.2024 and representations dated



23.11.2023, 24.11.2023, 27.11.2023, 14.12.2023 and 23.12.2023, in the light of the provisions of the Tamil Nadu Survey and Boundaries Act, 1923.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the materials available on record.

4. It is the case of the petitioner that an extent of 1.80 acres were allotted to the petitioner as per the partition deed of the year 1982. In this regard, when he applied for sub-division, after surveying the land, the impugned order came to be passed without any notice to the petitioner as well as the other parties merely on the basis of the report of the subordinate officers. Hence, the impugned order has been challenged.

5. The learned Additional Government Pleader for the respondents submitted that they will issue a notice to the parties and survey the land and pass an order.



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6. On perusal of the impugned order, it indicates that no notice whatsoever was given to any of the parties to survey the lands and based on the report of the surveyor, the entire rejection order has been passed.

7. It is relevant to note that for surveying the land, it is the duty of the surveyor to measure the land as per the documents in favour of the petitioner as well as the other coparceners.

8. In such view of the matter, the impugned order passed by the third respondent dated 05.12.2023 is set aside and the matter is remitted back to the third respondent to issue a notice to the writ petitioner and the other co-owners, namely Periyasamy and Kuzhandasamy and in their presence, the survey shall be conducted with the help of the fourth respondent and pass an order for sub-division. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



9. With the above directions, this Writ Petition is allowed. No costs.

24.07.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

- 1.The District Collector,
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- 2.The Assistant Director,
Land Survey and Records Department,
Erode.
- 3.The Tahsildar,
Office of the Tahsildar,
Perundurai Taluk,
Erode District.
- 4.The Surveyor,
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Office of the Tahsildar,
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N.SATHISH KUMAR, J.

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