



WP.No.35610 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.35610 of 2024

Mr.K.Balasubramanian
S/o.S.Krishnan Pillai

... Petitioner

Vs.

1. The Collector of Tiruppur District
Collectorate, Tiruppur.
2. The Commissioner
Udumalpet Municipality
Office of the Municipal Commissioner
Udumalpet - 642 126.
3. The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Udumalpet - 642 126.
4. The Tahsildar
Udumalpet Taluk
Taluk Office
Udumalpet - 642 126.

... Respondents



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Prayer :

WEB COPY Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 2nd respondent in Na.Ka.No.876/2024/F1 dated 22.07.2024 and quash the same and consequently, direct the 2nd respondent to conduct an enquiry based on the direction issued by the 1st respondent dated 25.03.2024 vide his proceedings in Na.Ka.No.4549/2024/Aa3.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.M.S.Arasakumar
Government Advocate

ORDER

[Order of the Court was made by **M.SUNDAR, J.,**]

Captioned 'Writ Petition' {hereinafter 'WP' for the sake of brevity} has been filed with a certiorarified mandamus prayer.

2. Certiorari limb assails an 'order dated 22.07.2024 bearing reference Na.Ka.No.876/2024/F1 made by R2 [The Commissioner, Udumalpet Municipality]' {hereinafter 'impugned order' for the sake of brevity,

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convenience and clarity}.

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3. Mandamus limb seeks a direction to conduct an enquiry referring to a communication dated 25.03.2024 bearing reference Na.Ka.No.4549/2024/Aa3 from R1 [The Collector, Tiruppur District].

4. Mr.M.R.Jothimanian, learned counsel representing Mr.K.Balu, counsel on record for writ petitioner submits that writ petitioner has sent a complaint dated 16.02.2024 (complaint addressed to R1 - District Collector, Tiruppur District). Learned counsel for writ petitioner submits that impugned order has been made pursuant to the writ petitioner's complaint and learned counsel submits that writ petitioner ought to have been given an opportunity.

5. Issue notice to respondents.

6. Mr.M.S.Arasakumar, learned Government Advocate accepts notice for all four respondents.

7. Learned State Counsel, on instructions, adverting to 16.02.2024 complaint submits that even according to writ petitioner survey numbers and extent about which the writ petitioner is complaining are SF Nos.147B1B1-6.07 acres, 146-1.07 acres, 145-2.44 acres, 144-0.86 acres, 245B-1.20



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acres, 245W/118-13 cents within Udumalpet Municipality. Learned State Counsel, adverting to complaint points out emphatically that even according to writ petitioner, these survey numbers have now been converted as Block Nos.15 to 18 in Ward D. Relevant paragraph in the complaint reads as follows:

'Then I started collecting the records of the land with the SF Nos.147B1B1-6.07 acres, 146-1.07 acres, 145-2.44 acres, 144-0.86 acres, 245B-1.20 acres, 245W/118-13 cents in the name of Mr.A.Saravanapillai, Son of Deivathiru M. Appavu Pillai from the municipal office, Thasildar Office, Registrar Office and Tiruppur Collector Office. When we enquired about it we came to know that the above SF Nos are now converted into Ward D Block 15 to 18.'

8. Learned State Counsel, adverting to impugned order points out that in the tabulation, there is a clear reference about Block Nos.15 to 18.

9. From the impugned order, it comes to light that R2 has after perusal of records come to the conclusion that subject mentioned lands are patta lands and therefore, if the writ petitioner has any grievance, the writ



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petitioner has to only approach the Court.

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10. Learned counsel for writ petitioner points out that new survey numbers have since been assigned (after 16.02.2024 complaint) and therefore, the writ petitioner has to be given an opportunity of being heard.

11. Considering the limited scope of captioned WP, with the consent of learned counsel on both sides main WP was taken up in the Admission Board.

12. We find that the argument that R2 should have given an opportunity to writ petitioner is not supported by any provision of law. We also find that R2 has considered the complaint and passed the impugned order. Therefore, it is for the writ petitioner to work out his remedies in the Civil Court if that be so. Be that as it may, it is open to writ petitioner to send a fresh representation with regard to new survey numbers to R2 and it is open to R2 to consider the same on its own merits and in accordance with law.

13. In the light of the narrative thus far, certiorari limb is negatived. In other words, Certiorari limb is dismissed. As regards Mandamus limb, suffice to say that we are not issuing any mandamus in this order but we are



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only writing that it is open to the writ petitioner to give a fresh representation to R2 and it is open to R2 to consider the same on its own merits and in accordance with law.

In the light of the narrative thus far, captioned WP is dismissed albeit with the aforementioned observations. There shall be no order as to costs.

(M.S.,J.)

(K.R.S.,J.)

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Index : Yes / No

Neutral Citation : Yes / No

Speaking order / Non-speaking order

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Taluk Office
Udumalpet - 642 126.



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and
K.RAJASEKAR, J.,

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