



W.P.No.29781 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.29781 of 2024

Santhi

... Petitioner

Vs.

1. The District Collector,
Erode District,
Erode.
2. The Tahsildar,
Perundurai Taluk,
Perundurai,
Erode.
3. The Block Development Officer,
Perundurai Panchayat Union,
Perundurai,
Erode District.
4. The President,
Sirukalanji Village,
Perundurai Taluk,
Erode District.
5. The Taluk Surveyor,
Perundurai Taluk,
Erode District.



W.P.No.29781 of 2024

6. D.Kannammal.

... Respondents

WEB COPY

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus to direct the respondents no.1 to 4 to consider the petitioner's objection dated 04.09.2024 in respect of the 6th respondent's application dated 06.04.2023 to survey the lands measuring to an extent of 6 acres comprised in Survey Nos.341/3,4,5,6,7,8,9 and 10 in Eleapalanikadu, Sirukalanji Village, Perundurai Taluk, Erode District.

For Petitioner : Mr.M.Guruprasad

For R1, R2 & R5 : Mr.M.R.Gokul Krishnan

Additional Government Pleader

For R3 & R4 : Mr.V.Ravi

Special Government Pleader

For R6 : Mr.Harish Chowdary

ORDER

This Writ Petition has been filed for a Mandamus to direct the respondents nos.1 to 4 to consider the petitioner's objection dated 04.09.2024 in respect of the 6th respondent's application dated 06.04.2023 to survey the lands measuring to an extent of 6 acres comprised in Survey Nos.341/3,4,5,6,7,8,9 and 10 in Eleapalanikadu, Sirukalanji Village,



W.P.No.29781 of 2024

Perundurai Taluk, Erode District.

WEB COPY

2. It is now brought to the notice of this Court by Mr.Ravi, learned Special Government Pleader for the Respondents 3 and 4 that pursuant to orders of this Court the counsel who had taken notice on behalf of the Respondents 3 and 4 sought time to take instructions has produced a report dated 15.10.2024 is said to have been issued by the Revenue Tahsildar i.e., the 2nd Respondent stating that a survey had been conducted on 08.10.2024. The said order clearly displays that the survey has taken place after this Court had directed notice and the counsels appearing for the official Respondents had sought time for getting instructions. Secondly, no notice has been served on the Petitioner. The fact that no notice has been served on the Petitioner was contrary to the Order of the Hon'ble Division Bench of this Court in W.A.No.2873 of 2023, wherein the Division Bench had made it clear that the Respondents should serve notice to all the parties concerned and only thereafter the property be surveyed, however the survey has taken place without serving notice on the Petitioner. The relief that has been sought for by the Petitioner was to have the property surveyed. Therefore, the survey that has been conducted in the absence of the Petitioner cannot be taken on



W.P.No.29781 of 2024

record and the counsel who appears for the 6th Respondent who is the contesting Respondent has no objection for conducting a fresh survey, the Writ Petition is disposed of with the direction to the 2nd Respondent to conduct survey afresh after issuing notice to the Petitioner and the other interested parties and also affording them an opportunity of personal hearing, within a period of twelve (12) weeks from the date of receipt of a copy of this order. In case of any rejection, a speaking order shall be passed. No costs.

21.11.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



WEB COPY



W.P.No.29781 of 2024

To

1. The District Collector,
Erode District,
Erode.
2. The Tahsildar,
Perundurai Taluk,
Perundurai,
Erode.
3. The Block Development Officer,
Perundurai Panchayat Union,
Perundurai,
Erode District.
4. The President,
Sirukalanji Village,
Perundurai Taluk,
Erode District.
5. The Taluk Surveyor,
Perundurai Taluk,
Erode District.



WEB COPY



W.P.No.29781 of 2024

P.T.ASHA, J.

rgm

W.P.No.29781 of 2024

21.11.2024