



W.P.No.34452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.34452 of 2024
and W.M.P.No.37330 of 2024

1.M.Sabapathy

2.M.Moorthi

...Petitioners

Vs

1.The District Collector,
Office of the Collectorate,
7/1, State Bank Road,
Gopalapuram, Coimbaatore,
Tamil Nadu – 641 018.

2.Revenue Divisional Officer,
Office of the Sub Collector,
Coimbatore (South) Revenue Divisional Office,
State Bank Road, Coimbatore – 641 018.

3.The Tahsildar,
Taluk Office, Pollachi – 642 001.

4.Selvakumar

5.District Revenue Officer,
Office of the Sub Collector,
Coimbatore (South) Revenue Divisional Office,
State Bank Road,
Coimbatore – 641 018

...Respondents

(R5 impleaded as per order dated 04.12.2024 in W.M.P.No.39815 of 2024 in W.P.No.34452 of 2024)



W.P.No.34452 of 2024

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, to quash the proceeding conducted under Mu.Mu.Ee.No.2/3704/2019 dated 05.07.2019 on the file of 5th respondent and quash the same as illegal, incompetent and further direct the respondents to conduct a re- survey the lands in Survey No. 6/ 3A, 6/3B, 6/3C, 7/1, 7/2 and 7/3 located in T.Kottampatti village in Pollachi Taluk and for consequential orders. (prayer Amended as per order dated 04.12.2024 in W.M.P.No.39816 of 2024 in W.P.No.34452 of 2024)

For Petitioners : Mr.M.Madhavan

For Respondents : Mr.Gokul Krishnan
Additional Government Pleader
(For R1 to R3 & R5)

ORDER

The Writ Petition is filed to quash the proceedings in Mu.Mu. Ee.2/ 3704/ 2019 dated 05.07.2019 on the file of 5th respondent and quash the same as illegal, incompetent and further direct the respondents to conduct a re- survey of the lands in Survey 6/ 3A, 6/3B, 6/3C, 7/1, 7/2 and 7/3 located in T.Kottampatti village in Pollachi Taluk.

2.The petitioner along with his brother M.Moorthi are the owners of lands comprised in 6/3B, 6/3C, 7/1, 7/3 & 6/1B located in



W.P.No.34452 of 2024

T.Kottampatti Village, in Pollachi Taluk which property was settled to them under a settlement deed executed by their mother Pongiaathal on 30.10.2013. The fourth respondent had submitted a detailed representation on 14.05.2018. He therefore sought for survey and sub division of the agricultural land located in T.S.Nos.6/3A and 7/1. Since District Collector had not acted upon his representation, he had moved this Court for filing W.P.No.31113 of 2018. By an order dated 26.11.2018, this Court had issued directions to the authorities to take necessary action on the petitioner's representation. Pursuant to that, the second respondent, that is, the Revenue Divisional Officer conducted an enquiry however no notice was issued to the petitioner and by impugned order, the survey numbers were all clubbed together though the request was for sub-division. Thus, aggrieved on the same, the petitioner is before this Court.

3.Heard the learned counsels on either side.

4.A mere perusal of the impugned order would clearly demonstrate that prior to the petitioner's lands being clubbed under a single survey number the petitioner has not been put on notice nor called for an



W.P.No.34452 of 2024

enquiry. Therefore, the impugned order is one which is passed behind their back. In the light of the violation of principles of natural justice, this Writ Petition is allowed. The impugned order in proceedings Mu.Ee.No.2/3704/2019 dated 05.07.2019 on the file of 5th respondent is quashed and the second respondent is directed to conduct a fresh survey of the lands comprised in Survey No. 6/ 3A, 6/3B, 6/3C, 7/1, 7/2 and 7/3 located in T.Kottampatti village in Pollachi Taluk, subdividing the same, resurvey all the lands within a period of three months from the date of receipt of copy of this order.

5.Accordingly, the present Writ Petition is allowed. Consequently, connected miscellaneous petition is closed. No costs.

12.12.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order

ep



WEB COPY



W.P.No.34452 of 2024

To

- 1.The District Collector,
Office of the Collectorate,
7/1, State Bank Road,
Gopalapuram, Coimbatore,
Tamil Nadu – 641 018.
- 2.Revenue Divisional Officer,
Office of the Sub Collector,
Coimbatore (South) Revenue Divisional Office,
State Bank Road, Coimbatore – 641 018.
- 3.The Tahsildar,
Taluk Office, Pollachi – 642 001.
- 4.District Revenue Officer,
Office of the Sub Collector,
Coimbatore (South) Revenue Divisional Office,
State Bank Road,
Coimbatore – 641 018.



WEB COPY



W.P.No.34452 of 2024

P.T.ASHA, J.

ep

W.P.No.34452 of 2024
and W.M.P.No.37330 of 2024

12.12.2024