

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT APPEAL No.97 of 2019

JUDGMENT: (Per the Hon'ble the Chief Justice Sri Thottathil B.Radhakrishnan)

We have heard the learned counsel for the appellant and the learned Government Pleader for Revenue appearing for the respondents.

2. The appeal is against the refusal of the learned single Judge to direct conduct of survey on the basis of the application submitted by the writ petitioner, which is an Association. To our query as to what is the *locus standi* of the writ petitioner as an Association to file an application for conduct of survey, learned counsel for the appellant submitted that the Association represents the interest of different persons, who own land.

3. We are not satisfied with this plea on the issue of *locus standi* to have an order compelling the survey authorities to carry out statutory survey.

4. The aforesaid position notwithstanding, we see that the learned single Judge has rightly noted the requisite facts. The application for survey reflects that survey was sought of the lands in as many as 12 survey numbers, while the writ affidavit discloses that the petitioner association is interested only in an extent of Acs.5.00 of land and the said extent is spread out in as many as 46 survey numbers. This means that if survey, as sought for, is ordered, it is to facilitate a roving enquiry through

the Survey Department to identify different parcels, which may amount to an extent of Acs.5.00 in 46 survey numbers. This is not the purpose of the survey by the Revenue Department. The learned single Judge was justified in dismissing the Writ Petition.

5. We do not see any illegality or impropriety in the exercise of discretionary jurisdiction by the learned single Judge. We do not, therefore, find any ground to interfere with the said order.

The Writ Appeal, therefore, fails and the same is accordingly dismissed.

The miscellaneous petitions pending in this appeal, if any, shall stand closed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

A.RAJASHEKER REDDY, J

25.02.2019
vs