



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2021

CORAM

THE HONOURABLE MR.JUSTICE **V. PARTHIBAN**

W.P. (MD)No.4206 of 2021

and

W.M.P. (MD)No.3379 of 2021

Kamaiye

: Petitioner

Vs.

- 1.The District Collector,
Madurai, Madurai District.
- 2.The Revenue Divisional Officer,
Collectorate Campus,
Madurai, Madurai District.
- 3.The Tahsildar,
Taluk Office, Vadipatti, Madurai District.
- 4.The Inspector of Police,
Palamedu Police Station,
Madurai District.

5.Azhagappan

: Respondents

PRAYER :- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent to take action against the third respondent for surveying the petitioner's land of bearing Survey No.246/2, Patta No.835, situated at Muduvarpatti, Vadipatti Taluk, Madurai District without the petitioner's request and without any prior notice to the petitioner.

For Petitioner

:Mr.R.Murugappan

For R1 to R4

:Mr.B.Bhagavathy

Government Advocate

ORDER

Last occasion, when the matter was taken up for hearing, this Court raised a query as to the maintainability of the Writ Petition and the petitioner's *locus standi* to maintain this Writ Petition for the reason that the subject property stands in the name of the petitioner's husband and that she has not obtained any power of attorney from him authorizing her to file this Writ Petition. At this, the learned Counsel for the petitioner took some time in order



to get instructions from his client.

2. When the matter is taken up for hearing today, the learned Counsel for the petitioner seeks further two weeks time to file an affidavit on behalf of the petitioner's husband. In this regard, this Court is not inclined to accede to the request of the petitioner's Counsel for adjourning the matter, since the *locus standi* issue cannot be cured by any subsequent affidavit to be sworn in by the husband of the petitioner. The learned Counsel, in fact, attempted to submit that the petitioner's husband is 74 years old and is from a remote village and therefore, the petitioner/wife is before this Court with this Writ Petition.

3. This Court is not inclined to accept the submissions of old age or being a resident of remote village for the wife in filing this Writ Petition. In fact, the reason that the husband resides in a remote village equally applies to the wife as well and therefore, such lame explanation is unacceptable and therefore, this Writ Petition is liable to be dismissed.

4. Therefore, this Writ Petition is dismissed with liberty to the petitioner's husband to file a fresh Writ Petition, if he is so advised, on the subject matter of this Writ Petition. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The District Collector, Madurai, Madurai District.

2. The Revenue Divisional Officer,
Collectorate Campus, Madurai, Madurai District.

3. The Tahsildar, Taluk Office, Vadipatti, Madurai District.

4. The Inspector of Police,
Palamedu Police Station, Madurai District.

+1 CC to M/s.SPL GP (SR-9699[F] dated 09/03/2021)

W.P.(MD)No.4206 of 2021

08.03.2021

SSS(CO)

TR(08.04.2021) 2P 6C

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