



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14820 of 2021

and

W.M.P. (MD) .No.11715 of 2021

WEB COPY

Natchammal

... Petitioner

Vs.

1.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur, Dindigul District.

2.The Head Surveyor,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.

3.The Village Administrative Officer,
Kollapatti Village,
Vedasandur Taluk,
Dindigul District.

4.K.Krishnamoorthi

... Respondents

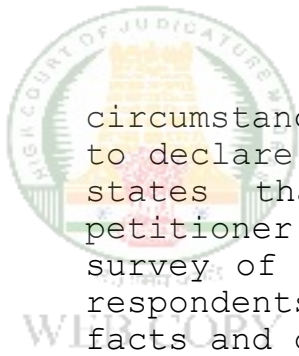
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondent Nos.1 to 3 from in anyway interfering in the civil dispute pending between the petitioner and the fourth respondent herein in the guise of surveying the land in S.F.Nos.33/1A, 46, 47 and 62 of Kollapatti Village, Vedasandur Taluk, Dindigul District.

For Petitioner : Mr.N.Anandakumar
For Respondents : Mr.R.Baskaran,
Counsel for State
for R-1 to R-3

ORDER

The petitioner seeks to prevent the official respondents herein from facilitating a survey of the land in S.F.Nos.33/1A, 46, 47 and 62 of Kollapatti Village, Vedasandur Taluk, Dindigul District.

2. The petitioner states that the property in the aforesaid survey numbers belonged to her grandfather. After her father's demise, she claims that her father inherited such property as a legal heir. According to the petitioner, one Paapammaal, Perumal and the petitioner's father colluded with the fourth respondent and executed a sale deed in her favour on 10.03.2017. In these



circumstances, O.S.No.117 of 2017 was filed for partition and also to declare the aforesaid sale deed as null and void. The petitioner states that the said civil suit is pending. Meanwhile, the petitioner apprehends that the fourth respondent will carry out a survey of the property by enlisting the assistance of the official respondents herein. The present Writ Petition is filed in the said facts and circumstances.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 3. He submits that the first and second respondents may be directed to take a decision on merits and in accordance with law.

4. The principal grievance of the petitioner is that a civil suit is pending in respect of title and that the conduct of a survey in such circumstances would be prejudicial to the petitioner. At this point of time, such survey has not been carried out. Needless to say, the revenue authorities cannot decide disputed questions of title. However, such authorities are vested with the authority to decide as to whether a person is entitled to have a survey undertaken in respect of her lands.

5. Subject to the aforesaid observations but without going into the merits of the matter, the first and second respondents herein are directed to consider the petitioner's objections with regard to the conduct of a survey in land bearing S.F.Nos.33/1A, 46, 47 and 62 of Kollapatti Village, Vedasandur Taluk, Dindigul District and pass a reasoned order thereon after taking into account the pending civil suit, namely, O.S.No.117 of 2017 and other relevant factors. Such reasoned order shall be passed after providing a reasonable opportunity to the petitioner, the fourth respondent herein and any other person who would be affected by such decision. The said reasoned order shall be passed within a period of two (2) months from the date of receipt of a copy of this order. In view of the fact that the merits of the matter have not been gone into and because the first and second respondents have been directed to hear the fourth respondent before taking a decision, the Writ Petition is disposed of without notice to the private respondent.

6. Accordingly, WP(MD).No.14820 of 2021 is disposed of on these terms without any order as to costs. Consequently, W.M.P. (MD).No.11715 of 2021 is closed.

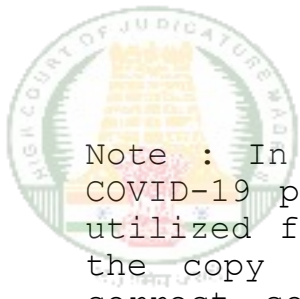
Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur, Dindigul District.
- 2.The Head Surveyor,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.
- 3.The Village Administrative Officer,
Kollapatti Village,
Vedasandur Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-27190[F] dated 25/08/2021)

W.P (MD) No.14820 of 2021
23.08.2021

DKS (CO)
KB(01.09.2021) 3P 5C