



W.A.No.2454 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVU

W.A.No.2454 of 2023

S.Soundaram

.. Appellant

Vs

1. S.Malar

2. The Tahsildar

Pethanaickenpalayam Taluk
Salem District.

3. The Taluk Surveyor

Pethanaickenpalayam Taluk
Salem District.

.. Respondents

Prayer : Appeal under Clause 15 of the Letters Patent against the order passed by the learned Single Judge in W.P.No.34556 of 2022, dated 22.12.2022.

For the Appellant

: Mr.P.Jagadeesan

For the Respondents

: Mr.P.Muthukumar
State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader
for respondents 2 and 3



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JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mr.P.Jagadeesan, learned counsel for the appellant; and Mr.P.Muthukumar, learned State Government Pleader, assisted by Mrs.R.Anitha, learned Special Government Pleader, for respondents 2 and 3.

2. Learned counsel for the appellant submits that the present appellant was the third respondent in the writ petition filed by the first respondent herein. The learned Single Judge, without issuing notice to the appellant, had straight-away issued directions for survey of the property.

3. According to learned counsel for the appellant, the original writ petitioner did not have any right, title or interest in respect of the subject writ property. The suit filed by the original writ petitioner is dismissed for default. The suit filed by the present



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appellant for declaration that the cancellation of the settlement is illegal, with all other consequential reliefs, is pending adjudication.

A person who does not have title could not have sought for survey of the land.

4. We have gone through the order passed by the learned Single Judge. The learned Single Judge, under the impugned order, has not decided the rights of the parties. The statement of learned Government Advocate to the effect that after issuing notice to the original writ petitioner and the appellant herein survey would be conducted is recorded. The respondent authority is only required to conduct a survey and nothing beyond that. Naturally, the decision given by the civil court will be binding upon the revenue authorities also. As no rights have been decided by learned Single Judge under the impugned order, no further orders are required to be passed in this appeal.

The writ appeal is disposed of accordingly. Needless to state that all the contentions of the parties are kept open. There will be



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no order as to costs. Consequently, C.M.P.No.20480 of 2023 is closed.

(S.V.G., C.J.)

(P.D.A., J.)

11.09.2023

Index : Yes/No
Neutral Citation : Yes/No
sasi

To:

1. The Tahsildar
Pethanaickenpalayam Taluk
Salem District.
2. The Taluk Surveyor
Pethanaickenpalayam Taluk
Salem District.



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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESAVALU,J.

(sasi)

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