



W.P(MD)No.5954 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.5954 of 2015

K.Seeniammal

... Petitioner

Vs

1.The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

2.The Head Surveyor,
Taluk Office,
Rajapalayam,
Virudhunagar District.

3.R.Thangavel Asari

4.Gopal

5.Aathiramar Asari

6.Balasubramanian

7.Muthupandi

8.Ganesan

9.Ramar



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10.Marikannan

11.Ayyanar

12.Alagumani

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records to the impugned order dated 06.06.2014 passed by the first respondent in Na.Ka.D1713/14 and to quash the same and consequently directing the first respondent to pass appropriate orders to survey the Petitioner's land of 95 cents situated in Survey Nos. 238/1, 238/2 and 239/1 in Puthur Village, Rajapalayam Taluk, Virudhunagar District as per the Sale Deed dated 07.08.2006, 18.01.2007 & 17.09.2009.

For Petitioner : Mr.K.Sudalaiyandi

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for R.1 & R.2

Ms.S.Vani for R.4 & R.9

Mr.P.Athimoolapandian for R.12

No Appearance for R.3,R.5,R.6,R.8,R.11

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the official respondents, the



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learned counsel appearing for the respondents 4 to 9 and the learned counsel appearing for the twelfth respondent.

2. The petitioner wants the petition mentioned land to be surveyed. The petitioner had earlier filed W.P(MD)No.2933 of 2014 in this regard. This Court disposed of the said writ petition on 21.02.2014 with a direction to the authorities to consider the petitioner's representation. Pursuant to the said direction, the impugned order dated 06.06.2014 came to be passed negating the petitioner's request for conducting survey. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. I am not persuaded by the submission of the learned counsel appearing for the petitioner. The impugned order says “No” to the petitioner for conducting survey for the following three reasons:



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- a) The petitioner does not have any patta in her name;
- b) Civil proceedings are pending between the parties;
- c) A temple is located in the petition mentioned land.

As rightly pointed out by the learned Additional Government Pleader and the learned counsel appearing for the private respondents, the reasons are quite sound. Even if the first appeal referred to in the impugned order suffered dismissal during the pendency of this writ petition, that would still not make any difference. Admittedly the petitioner is not having any declaratory decree in her favour. If she has patta in her favour and the suit filed by the other side had been dismissed, this Court can definitely consider granting relief. That is not the position. The petitioner does not have patta in her name. Therefore the impugned order does not warrant interference.

5. This writ petition stands dismissed. There shall be no order as to costs.

13.09.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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To

1. The Tahsildar,
Rajapalayam Taluk,
Rajapalayam,
Virudhunagar District.

2. The Head Surveyor,
Taluk Office,
Rajapalayam,
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G.R.SWAMINATHAN, J.

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