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W.P. No. 25494 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.09.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P. No.25494 of 2024

Mr.A.Kandasamy

..Petitioner

Vs.

1. The Deputy Director
Land Surveys and Records Department
O/o.Land Survey and Records Development
Tiruppur.

2.The Tahsildar
O/o. Tahsildar office
Uthukuli Circle,
Tiruppur District

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the second respondent to conduct the survey at survey no.21/2 of the Veeramathi Amman Temple land measuring to an extent of 1.77 Acres, situated at Koonam Patti Road, Pallakavundam Palayam, Uthukkuli Circle, Tiruppur District based on the first respondent's direction through O.Mu. 991/2023/A-10 dated 10/02/2023.

For Petitioner : M/s.R.Nasrine

For Respondents 1 & 2 : Mr.P.Sathish

Additional Government Pleader

ORDER



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The petitioner herein seeks a direction to 2nd respondent to conduct survey of properties situated in Survey No.21/2 measuring an extent of 1.77 acres in Koonam Patti Road, Pallakavundam Palayam, Uthukkuli Circle, Tiruppur District.

2. According to the petitioner, he is an administrator of Arulmigu Veeramathi Amman Temple at Pallakavundam Palayam and the temple is situated in the subject land. The petitioner submitted a representation seeking survey of the land belongs to the temple. However, the same has not been considered. Hence, the petitioner is before this Court.

3. The learned Additional Government Pleader, who is taking notice for the respondents, based on the written instructions of the 2nd respondent, submitted that total extent of land in Survey F.No.21/1 in Kunnampatti village, Uthukkuli Taluk, Tiruppur District belongs to one Avinashi Gounder as per Patta No.1 and the current chitta stands in the name of one Balasubramaniam. Since the Arulmigu Veeramathi Amman Temple mentioned by the petitioner



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stand in the land belongs to the lands recorded in the name of said Balasubramaniyam, in the absence of any application by Balasubramaniyam, the respondents are not able to survey the land.

4. The above said statement made by the learned Additional Government Pleader is recorded. The petitioner himself in his affidavit clearly admitted that there is no record to show the ownership of the temple. In these circumstances, this Court is not inclined to issue any direction to respondents to conduct survey of the land in Survey No. 21/2 when the revenue records stands in the name of third party. However, it is open to the petitioner to establish the right of the temple over the entire extent in Survey No. 21/2 by filing a civil suit.

5. With these observations, the writ petition stands dismissed. No costs.

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Index : Yes/No
Neutral Citation : Yes/No
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To

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O/o.Land Survey and Records Development
Tiruppur.
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S.SOUNTHAR, J.



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