



W.P(MD)No.4502 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4502 of 2024

and

W.M.P.(MD)No.4349 of 2024

1.M.Muthu Karuppasamy

2.M.Maharaja

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti, Tuticorin District.

2.The Tahsildar,
Office of the Tahsildar,
Kovilpatti,
Tuticorin District.

3.The Town Surveyor,
Kovilpatti Municipality,
Kovilpatti,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records passed by the 2nd respondent in petitioners' application 2023/0153/28/002580 dated 31.01.2024 and quash the same and consequently directing the 2nd and 3rd respondent to survey the land and grant patta to the



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petitioners' properties situated in Door No.58, 59, 60 in Survey No.512/6, 2nd Street, Therku Pudhugramam, Illupaiyuranigramam, Kovilpatti Old Ward No.4 and new ward No.8, Kovilpatti to an extent of 1023.1 Sqft (2.35 cents), and Door No.60A in Survey No.512/6, 2nd Street, Therku Pudhugramam, Illupaiyuranigramam, Kovilpatti Old Ward No.4, and New Ward No.8, Kovilpatti to an extent of 331.25 sq. ft and Door No.57 in Survey No.512/6, 2nd Street, Therku Pudhugramam, Illupaiyuranigramam, Kovilpatti Old Ward No.4 and new ward No.8, Kovilpatti to an extent of 454.75 sq. ft (1.04 cents) based on the settlement deed dated 09.02.2023.

For Petitioners : Mr.P.Sujai Krishana

For Respondents : Mr.D.Gandhiraj,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The request for conducting survey was rightly rejected by the second respondent. The condition precedent for submitting a survey application is possession of individual patta. In this case, the petitioners are not having any patta. Therefore, their request for conducting survey could not have been accepted.



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3.As regards the petitioners' request for issuance of patta, it was rejected without assigning any reason. In page No.15 of the typed set of papers, the impugned memorandum has been enclosed and I am not able to discern any reason for rejecting the petitioner's request.

4.In this view of the matter, the impugned memorandum is set aside and the matter is remitted to the file of the second respondent. The petitioners shall appear before the second respondent on 12.03.2023 at 03.00 pm. It is open to the petitioners to place all the available materials in their favour. It is for the second respondent to take a call in the matter. I have not gone into the merits of the matter. The issue is left to the discretion of the second respondent.

5.This writ petition is allowed on these terms. No costs. Consequently, connected miscellaneous petition is closed.

28.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

ias

To:

- 1.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Kovilpatti, Tuticorin District.
- 2.The Tahsildar,
Office of the Tahsildar,
Kovilpatti,
Tuticorin District.
- 3.The Town Surveyor,
Kovilpatti Municipality,
Kovilpatti,
Tuticorin District.

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(2/2)