



W.P.(MD)No.27576 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.27576 of 2024

and

W.M.P(MD)No.23383 of 2024

Thulasi Ammal

... Petitioner

Vs.

1.The Thasildhar,
Kovilpatti Taluk,
Thoothukudi District.

2.The Taluk Surveyor,
Kovilpatti Taluk,
Thoothukudi District.

3.T.M.Jennu

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in his proceedings Na.Ka.A1/5897/2024, dated 09.10.2024 and quash the same as illegal and consequently, direct the respondents to conduct a proper land survey on petitioner's 50.1 cents of land comprised in S.No.464/1, sub division S.No. 464/1A3A situated at South Thittankulam, Ward No.3, Kovilpatti Taluk, Thoothukudi District.



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For Petitioner : Mr.T.Indrachithu
For R1 & R2 : Mr.A.Kannan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the first respondent, dated 09.10.2024 and directing the respondents to conduct survey in the petitioner's land in S.No.464/1, sub division S.No.464/1A3A to an extent of 50.1 cents at South Thittankulam, Ward No.3, Kovilpatti Taluk, Thoothukudi District.

2. The petitioner purchased the land to an extent of 50.1 cents in S.No.464/1, sub division S.No.464/1A3A at South Thittankulam, Ward No.3, Kovilpatti Taluk, Thoothukudi District under sale deed in Document No.12009/2011. The patta for the aforesaid property was also transferred in the petitioner's name in Patta No.3069. On 05.03.2024, the petitioner applied for survey and demarcation of boundary and also paid the necessary charges for the same. The first respondent vide impugned proceedings, dated 09.10.2024, rejected the application stating that the third respondent objected to the same.



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3. Aggrieved by the said order, the petitioner filed the above writ petition for the aforesaid relief.

4. The learned Additional Government Pleader for the respondents 1 and 2 submitted that the petitioner has approached the Revenue Divisional Officer for cancellation of patta in favour of the third respondent and the proceedings are pending. He further submitted that the writ petition cannot be entertained at this stage as the appeal preferred by the petitioner to cancel the patta granted to the third respondent is pending consideration before the Revenue Divisional Officer.

5. In view of the fact that the petitioner has already approached the Revenue Divisional Officer for cancellation of patta in favour of the third respondent, the writ petition for the aforesaid relief at this stage cannot be entertained. The petitioner has to await the result of the proceedings initiated by him before the Revenue Divisional Officer for cancellation of patta issued in favour of the third respondent.



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6. Accordingly, the writ petition stands dismissed. It is made clear that, if the proceedings before the Revenue Divisional Officer go in favour of the petitioner, the petitioner is at liberty to file a fresh application for survey and demarcation of boundaries. No costs. Consequently, the connected miscellaneous petition is closed.

19.11.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN

To:

- 1.The Thasildhar,
Kovilpatti Taluk,
Thoothukudi District.
- 2.The Taluk Surveyor,
Kovilpatti Taluk,
Thoothukudi District.



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N.MALA, J.

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