

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

W.P.No.11173 of 2014
and M.P.No.1 of 2014

Arunachalam

... Petitioner

Vs.

1.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

2.The Head Surveyor,
Chengam Taluk,
Thiruvannamalai District.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus to direct the respondents 1 & 2 to issue permanent patta to the petitioner for the land admeasuring 1.83 cents in Survey No.107/1EF, Mashar Village, Chengam Taluk, Thiruvannamalai District.

For Petitioner : Mr.P.R.Balasubramanian

For Respondents: Mrs.K.Bhuvaneswari,
Additional Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of mandamus directing the respondents 1 & 2 to issue permanent patta to the petitioner in respect of the land measuring 1.83 cents in Survey No.107/1EF, Mashar Village, Chengam Taluk, Thiruvannamalai District.

2.It is the case of the petitioner that one Govindaraju Udayar and two others filed a Civil Suit in O.S.No.2 of 2003 on the file of the Principal District Munsif Court, Chengam for permanent injunction against the writ petitioner. After contest, the trial Court, by its judgment and decree dated 07.11.2006, dismissed the suit, finding that the Writ Petitioner is the owner of the land measuring an extent of 1.83 acres and is in possession and enjoyment of the same. In spite of the decree passed in O.S.No.2 of 2003, the 1st respondent chose not to issue patta to the petitioner in respect of the extent of 1.83 acres.

3.It is also brought to the notice of this Court that the 1st respondent had issued patta to the petitioner in respect of 1.60 acres and had not issued patta in respect of the remaining extent of 23 cents.

4.When the trial Court has categorically found that the petitioner is the absolute owner and is in possession and enjoyment of the entire extent of land measuring 1.82 acres, the 1st respondent should not have declined to issue patta in respect of 1.83 acres. It is needless to say that the 1st respondent is bound by the decree passed by the Principal District Munsif, Chengam in O.S.No.2 of 2003. The 1st respondent cannot take a different stand while issuing patta.

5.Mr.P.R.Balasubramanian, learned counsel appearing for the petitioner also submitted that the decree in O.S.No.2 of 2003 has become final since the plaintiffs therein have not filed any appeal.

6.In such view of the matter, I direct the 1st respondent to consider the petitioner's claim for issuance of patta in respect of the entire extent of 1.83 acres taking into consideration the decree dated 07.11.2006 passed in O.S.No.2 of 2003. The 1st respondent is directed to issue notice to the plaintiffs in O.S.No.2 of 2003 and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.

7.With these observations, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-)

True Copy

Sub-Assistant Registrar

To

1.The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

2.The Head Surveyor,
Chengam Taluk,
Thiruvannamalai District.

+1 cc to Government Pleader,sr.27002

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krd 24/8

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