



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.08.2020

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD) No.8280 of 2020

and

W.M.P. (MD) No.7678 of 2020

WEB COPY

K.Venkatesan

...Petitioner

Vs

1.The Revenue Divisional Officer,
Sivagangai, Sivagangai District.

2.The Tahsildar,
Manamadurai Taluk, Manamadurai,
Sivagangai District.

3.The Village Administrative Officer,
Theethanpettai Group, Kombukaranenthal Village,
Manamadurai Taluk,
Sivagangai District.

4.Pappa @ Arul Mozhi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to stop the illegal construction by the 4th respondent in the property bearing in Survey No. 215/1 to an extent of 5½ cents situated at Kombukaranenthal Village, Manamadurai Taluk, Sivagangai District and to remove the 4th respondent's name in the adangal register and to issue a patta in favour of the petitioner, based on the representation dated 13.07.2020.

For Petitioner : Mr.PR.Boomee Rajan

For R1 to R3 : Mr.R.Sethuraman

Special Government Pleader

ORDER

This writ petition is filed to direct the respondents 1 to 3 to stop the illegal construction by the 4th respondent in the property in S.No. 215/1, measuring to an extent of 5½ cents situated at Kombukaranenthal Village, Manamadurai Taluk, Sivagangai District, to remove the 4th respondent's name in the adangal register and to issue a patta in favour of the petitioner for the aforesaid property.

2.According to the petitioner, originally the land in S.No.215/1, measuring to an extent of 5½ cents, situated at Kombukaranenthal Village, Manamadurai Taluk, Sivagangai District, belongs to the petitioner's ancestors. After the demise of the



petitioner's ancestors, the petitioner is in continuous possession and enjoyment of the aforesaid property and in this regard, the revenue records are also in favour of him and his father, namely, Kayambu.

3. In the meantime, in respect of the aforesaid property, without impleading the petitioner herein as a necessary party, the husband of the 4th respondent had filed a suit in O.S.No.3 of 2013 before the District Munsif Court, Manamadurai, for permanent injunction and obtained an *ex parte* decree on 23.02.2016. Thereafter, the 4th respondent along with her associates had constructed a building in the aforesaid land.

4. After knowing the aforesaid fact, the petitioner made a representation dated 13.07.2020 to the 1st respondents with the relief sought for in the prayer. So far, no action has been taken by the 1st respondent. Hence, left with no other alternative, the petitioner is before this Court for the relief stated supra.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the land in S.No.215/1 has been classified as "Natham Land" and the petitioner is not in possession and enjoyment of the aforesaid property. Insofar as some of the portions of the aforesaid land is concerned, patta was granted in favour of the 4th respondent. Therefore, the petitioner cannot claim any ownership over the aforesaid property.

6. Heard the learned counsel on either side and perused the records carefully.

7. From the records, it is seen that the property in S.No.215/1, measuring to an extent of 5½ cents situated at Kombukaranenthal Village, Manamadurai Taluk, Sivagangai District, has been classified as Government "Natham Land". Except producing the "SLR" copy, the petitioner has not produced any other document to prove his title regarding the aforesaid property. In the absence of producing the relevant documents, this Court is not convinced with the arguments advanced by the learned counsel appearing for the petitioner and accordingly, this writ petition is liable to be dismissed and the same is dismissed with liberty to the petitioner to workout his remedy before the civil Court, if he is so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Deputy Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

3.The Village Administrative Officer,
Theethanpettai Group,
Kombukaranenthal Village,
Manamadurai Taluk,
Sivagangai District.

+1 CC to M/s.Special Government Pleader (SR-13735[F] dated
06/08/2020)

+1 CC to M/s.PR. BOOMEE RAJAN, Advocate (SR-13771[F] dated
07/08/2020)

W.P. (MD) No.8280 of 2020
05.08.2020

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