



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 05.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.13718 of 2020  
and W.M.P. (MD) Nos.11390 & 11393 of 2020  
(Through Video Conferencing)

P.Mathiyalagan

... Petitioner

Vs.

1. The District Collector  
Tiruchirappalli District,  
Trichy.

2. The Revenue Divisional Officer,  
Lalgudi Revenue Divisional Office,  
Paramasivapuram,  
Lalgudi Taluk  
Tiruchirappalli District.

3. The Tahsildar,  
Mannachanallur Taluk  
Mannachanallur,  
Tiruchirappalli District.

4. K.Saraswathi

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned assignment order in Tharisu/40/1412 dated 12.08.2002 passed by the 3<sup>rd</sup> respondent in favour of the 4<sup>th</sup> respondent and quash the same as illegal and consequently direct the 3<sup>rd</sup> respondent to issue joint patta in favour of the petitioner and others in respect of the property in survey No.317/1 situated at Valaiyur Village, Mannachanallur Taluk, Tiruchirappalli District.

For Petitioner : Ms.K.Vidya

For Respondents : Mr.K.P.Krishnadoss for R1 to R3  
Special Government Pleader  
Mr.D.Selvanayagam for R4



**O R D E R**

Challenging the order passed by the 3<sup>rd</sup> respondent issuing the assignment order in favour of the 4<sup>th</sup> respondent and for a consequential direction to the 3<sup>rd</sup> respondent to issue joint patta in favour of the petitioner and others in respect of the property in S.No.317/1, the petitioner is before this Court with this writ petition.

2. According to the petitioner, the petitioner and others are the absolute owners of the property in S.No.317/1 situated in Valaiyur Village, Mannachanallur Taluk, Tiruchirappalli District and the fourth respondent has no right in the said property.

3. The fourth respondent submitted that the property in S.No.317/1 belong to her and that patta has been rightly issued in her favour and that the petitioner is trying to encroach the land of the fourth respondent, which should not be allowed. It is further submitted that rightly assignment order has been issued in her favour and hence, no interference is called for and the relief sought for by the petitioner cannot be adjudicated in the present writ petition.

4. Mr.K.P.Krishnadoss, learned Special Government Pleader, appearing for the official respondents, would submit that the land in question belong to the fourth respondent and the petitioner and others are trying to encroach the property of the fourth respondent.

5. In reply, the petitioner stated that he has got title to the property and title documents are available with them, for which, he is ready to produce the documents and the contention of the Government that the petitioner and others are encroaching is not correct.

6. Taking note of the said submissions made by both sides, based on the documents that are to be produced by the petitioner and the fourth respondent, it is open to the 2<sup>nd</sup> respondent to decide the issue with regard to the issuance of patta. If there is any dispute with regard to title to the property, the remedy will be only before the appropriate civil Court, where suit for declaration have to be sought for with regard to the property in question. Depending upon the outcome in the civil suit, taking note of the judgment and decree, necessary entries have to be made by the Tahsildar in the records.

7. The writ petition is disposed of directing the second respondent to decide the issue within a period of 90 days from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioner as well as the fourth respondent and others, who are claiming joint patta along with the



petitioner. Till such time, possession as on date, shall not be disturbed. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

RR

**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 District Collector  
Tiruchirappalli District,  
Trichy.
2. The Revenue Divisional Officer,  
Lalgudi Revenue Divisional Office,  
Paramasivapuram, Lalgudi Taluk  
Tiruchirappalli District.
3. The Tahsildar,  
Mannachanallur Taluk  
Mannachanallur  
Tiruchirappalli District.

- +1 CC to Mr.D.SELVANAYAGAM, Advocate SR-21373.  
+2 CC to Mr.C.ABUDLKALAM AZAD, Advocate SR-21366.  
+1 CC to the SPL GP SR-21452.

Order made in  
**W.P. (MD) No.13718 of 2020**  
**and W.M.P. (MD) Nos.11390 & 11393 of 2020**

Dated:  
05.11.2020

ARK(CO)  
CS(20.11.2020) 3P 8C