



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.14601 of 2020

(Through Video Conferencing)

WEB COPY

V.Nachiappan

... Petitioner

Vs.

The Tahsildar,
Karaikudi, Sivagangai District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent herein to consider the request of the petitioner for mutation of the revenue records in respect of lands in S.No.188/5 Alampattu Village, Karaikudi Taluk, Sivaganga District, based on the judgment and decree passed by this Court in S.A.(MD) No.1005 of 2009 dated 13.06.2019.

For Petitioner

: Mr.AL.Kannan

For Respondents

: Mr.M.Muniyasamy

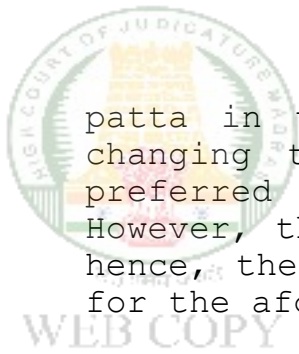
Addl.Government Pleader

O R D E R

The writ petition has been filed for a direction to the respondent herein to consider the request of the petitioner for mutation of the revenue records in respect of lands in S.No.188/5 Alampattu Village, Karaikudi Taluk, Sivaganga District, based on the judgment and decree passed by this Court in S.A.(MD) No.1005 of 2009 dated 13.06.2019.

2.Heard the learned counsel for the petitioner as well as the learned Additional Government Pleader, who takes notice for the respondent.

3.The facts in nutshell is that the land in S.No.188/5 to an extent of 0.01.60 hectares belong to the petitioner and he was in possession and enjoyment of the same. However, the adjacent land owner one Santhanalakshmi preferred a suit in O.S.No.124/2006, stating that she is the absolute owner of the said land, which came to be dismissed on 25.08.2008. Against which, an appeal preferred in A.S.No.1/2009, which came to be allowed by the lower appellate Court, as against which, the petitioner herein preferred an appeal in S.A.(MD) No.1005/2009 before this Court and vide judgment dated 13.06.2019, while reversing the judgment of the lower appellate Court, this Court made an observation that the petitioner is the absolute owner of the property. In the meanwhile, the adjacent owner Santhanalakshmi, based on the decree obtained, changed the



patta in the name of predecessor in title. For the purpose of changing the patta and for mutation of records, the petitioner preferred a representation, dated 16.08.2019, to the respondent. However, the said representation has not been considered so far and hence, the petitioner is before this Court with this writ petition for the aforesaid relief.

4. Considering the facts and circumstances of the case, without advertent into the merits of the matter, the respondent is directed to consider the representation of the petitioner dated 16.08.2019, after hearing the parties concerned and take a decision in accordance with law, within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// 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

The Tahsildar,
Karaikudi
Sivagangai District.

W.P. (MD) No.14601 of 2020
16.10.2020

SMV(CO)
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