



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM

THE HON'BLE MR.JUSTICE **S.VAIDYANATHAN**

WEB COPY

W.P. (MD) No.17600 of 2020

Rajasekar

... Petitioner

Vs.

1. The District Revenue Officer,
Pudukkottai,
Pudukkottai District.
2. The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
3. The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.
- 4.Chinappa
- 5.Raj
- 6.Karuppaiah
- 7.Thavamani
- 8.Anandhan

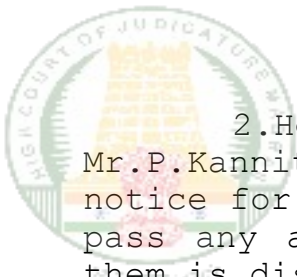
... Respondent

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 16.10.2020 and as well as the first respondent proceedings in Ni.Mu.27253/2010(D3), dated 20.04.2018 and change the patta in favour of the petitioner's name in the property situated at Old S.No.181/2, New S.No.181/3, Pilaviduthi Village, Karambakudi Taluk, Pudukkottai District.

For Petitioner	: Mr.S.Poornachandran
For Respondents	: Mr.P.Kannithevan
1 to 3	Additional Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition, seeking a direction to the first respondent to consider the petitioner's representation dated 16.10.2020 as well as the first respondent proceedings in Ni.Mu.27253/2010(D3), dated 20.04.2018 and change the patta in favour of the petitioner's name in the property situated at Old S.No.181/2, New S.No.181/3, Pilaviduthi Village, Karambakudi Taluk, Pudukkottai District.



2. Heard the learned Counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader, who took notice for the respondents 1 to 3. Since this Court is not going to pass any adverse orders against the respondent 4 to 8, notice to them is dispensed with.

WEB COPY

3. The learned Counsel appearing for the petitioner would submit that the property measuring to an extent of 0.54.0 ares (1 Acre 33 Cents) in Old Survey No.181/2, New Survey No.181/3 situated at Pilaviduthi Village, Karambakudi Taluk, Pudukkottai District was purchased by the petitioner's grandmother by name Ayiammal through a registered sale deed bearing Doc. No.7063/1979 from Ponnamal and Ammakannu who are the wives of one Venkatachalam Chettiar. It is further submitted that prior to purchase of the land by the petitioner, as one Sellan causing hindrance to the petitioner's vendor, a suit for declaration and permanent injunction was filed in O.S.No.16 of 1977 on the file of the District Munsif Court, Pudukkottai and the same was decreed in favour of the petitioner's vendor by judgment and decree dated 27.06.1978. Against which, an appeal in A.S.No.148 of 1978 was preferred and the same was dismissed vide judgment and decree dated 06.02.1979 and it has also attained finality as there was no further appeal preferred. Even thereafter, the respondents 4 to 8 have filed a revision petition before the first respondent on 16.06.2010 seeking patta in their favour. After full-fledged enquiry, the first respondent held that the respondents 4 to 8 have no rights over the said property and dismissed their revision with liberty to file an appeal before the appropriate forum within 90 days. But, there was no appeal by the respondents 4 to 8 and the issue has attained finality. Therefore, the petitioner made a representation on 16.10.2020 seeking to change the patta in his name. Since there was no response from the respondents 1 to 3, the petitioner has come forward with the present Writ Petition.

4. This Court without going into the merits of the case, directs the third respondent to consider the representation of the petitioner, dated 16.10.2020 and pass appropriate orders in accordance with law, after hearing the petitioner and the persons who are likely to be affected. In case of issuance of patta, survey needs to be conducted and the said survey shall be photographed and videographed in the presence of the petitioner and the persons who are likely to be affected and the costs of photograph and Videograph to be borne by the party seeking patta. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not decided the rights of the parties in the present Writ Petition. It is open to the official respondents to decide the same. The directions given in W.P(MD).No.7746 of 2020 batch, dated 23.09.2020 and W.P.(MD)No.13465 of 2020 dated 13.10.2020 should be followed wherever it is applicable. In case



any Civil Suit is already pending, there is no need for measuring the land in question, as it is for the Civil Court to decide the matter. After the order of this Court any suit is filed, the officials hands are not tied to carry out the directions mentioned in the aforesaid two orders, as there is a possibility of one or other party to move the Court later and to stall the proceedings before the revenue authorities. Only exception is if an interim order operates against the authorities.

5. If the persons like the present petitioner, who are seeking to survey the land do not disclose the other persons, who are interested, they must file an affidavit that there are no third parties involved in the issue concerned and also there are no interested parties. In case, at a later point of time if the fact come to light that there is any interested parties, the decision taken by the authority in favour of the petitioner will stand automatically cancelled. Further, the averments made in the affidavit shall be reflected in their order so that the officer will not face any problem at a later point of time. Moreover, for filing a false affidavit, if appropriate action is taken, the person concerned will have to face imprisonment rather than fine.

6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1. The District Revenue Officer,
Pudukkottai, Pudukkottai District.
2. The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.
3. The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.

W.P. (MD) No.17600 of 2020
04.12.2020

TP (CO)

CS (23.12.2020) 3P 4C