



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2020

CORAM

THE HONOURABLE MR.JUSTICE **S . S . SUNDAR**

W.P. (MD)No.26070 of 2019

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1.Jeyamary

2.Sekari @ Lourdhu Mary

... Petitioners

vs.

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Kodaikanal Division, Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk, Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents, more particularly, the third respondent, to issue patta for S.No.1419/1A for an extent of 0.27.0 Hectares situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District in the name of the first petitioner and to issue patta for S.No.1419/1B for an extent of 0.27.0 Hectares situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District in the name of the second petitioner on the basis of the decree made in O.S.No.308 of 2012 by the Subordinate Court, Palani, dated 29.02.2016 in pursuance of the petitioners' application, dated 20.07.2016 and by considering the representation, dated 19.09.2019 within a time frame as may be fixed by this Court.

For Petitioner

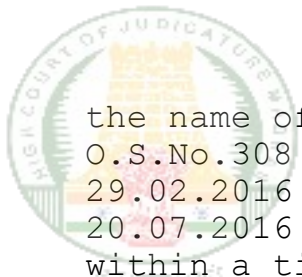
:Mr.D.Venkatesh

For Respondents

: Mr.A.Thiyagarajan
Government Advocate

ORDER

This Writ Petition is filed for issuing a Writ of Mandamus to direct the respondents to issue patta for S.No.1419/1A for an extent of 0.27.0 Hectares situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District in the name of the first petitioner and to issue patta for S.No.1419/1B for an extent of 0.27.0 Hectares situated at Vilpatti Village, Kodaikanal Taluk, Dindigul District in



the name of the second petitioner on the basis of the decree made in O.S.No.308 of 2012 by the Subordinate Court, Palani, dated 29.02.2016 in pursuance of the petitioners' application, dated 20.07.2016 and by considering the representation, dated 19.09.2019 within a time frame as may be fixed by this Court.

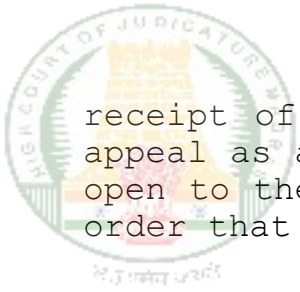
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2.The first petitioner states that the patta was issued in respect of the property measuring to an extent of 0.54.0 Hectares subject to certain conditions on 05.11.1981 and that she has constructed a house in a portion of the property, even though she sold an extent of 0.27.0 Hectares to her own sister, namely, the second petitioner. Since patta stands in the name of petitioners was cancelled, it is stated by the petitioners that they were constrained to file a civil suit in O.S.No.308 of 2012 before the Subordinate Court, Palani, to declare their title and for consequential injunction in respect of the property, for which the petitioners claim title, namely, 0.27.0 Hectares for each of the petitioners. After framing necessary issues, the suit filed by the petitioners in O.S.No.308 of 2012 came to be decreed by judgment and decree, dated 29.02.2016.

3.The learned Counsel for the petitioner has produced before this Court, the copy of judgment and decree in O.S.No.308 of 2012. From the reading of judgment, specific issues were framed with regard to the title and enjoyment. After considering the documents, the petitioners' title was declared by the Civil Court and consequential injunction has also been granted by holding that the petitioners are in possession and enjoyment of the property. As against the judgment and decree, no further appeal is stated to have been filed by the respondents. In such circumstances, respondents cannot dispute the title or enjoyment of the property by the petitioners, which has been held in favour of the petitioners in the civil suit. As per judgment and decree of the Civil Court, the property in S.No.1419/1A has been held to be the property of first petitioner and the property in S.No.1419/1B has been held to be the property of second petitioner.

4.The learned Government Advocate then submitted that the respondents are authorised to file an appeal and that they are likely to file an appeal as against the judgment and decree passed by the learned Subordinate Judge, Palani, in O.S.No.308 of 2012.

5.When the Civil Court granted a decree, the respondents are supposed to modify the revenue records in terms of the judgment and decree. In the present case, the revenue department dispute the title, by ignoring the Civil Court's verdict. Hence, the Writ Petition deserves to be allowed. Accordingly, this Writ Petition is allowed and the third respondent is directed to issue patta in favour of the petitioners for an extent of 0.54.0 Hectares in S.No.1419/1A and 1419/1B in terms of judgment and decree in O.S.No.308 of 2012 within a period of four weeks from the date of



receipt of a copy of this order. In case the respondents file an appeal as against the judgment and decree of the trial Court, it is open to the respondents to modify the records in terms of the final order that may be passed by the appellate Court. No costs.

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Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Dindigul District.

2.The Revenue Divisional Officer,
Kodaikanal Division, Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk, Dindigul District.

+1 CC to M/s.D.VENKATESH, Advocate (SR-4006[F] dated 30/01/2020)

+1 CC to M/s.SPL.GP (SR-4420[F] dated 03/02/2020)

W.P. (MD) No.26070 of 2019

30.01.2020

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