



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.NO.20921 OF 2021

R.Ramalingam

...Petitioner

Vs.

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Revenue Divisional Officer,
Ariyalur District,
Ariyalur.

3.The Tahsildar,
Ariyalur Taluk,
Ariyalur District.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, praying for issuance of a writ of Mandamus to direct the respondent authorities to grant patta to the petitioner in respect of petitioner's land measuring an extent of acre 1.42 cents, comprised in S.F.No.272/3, Konerirayampuram Village, Walajanagaram Group, Ariyalur Taluk, Ariyalur District previously Perambalur District, on the basis of the Decree and Judgment dated 31.03.2003 passed in O.S.No.246 of 2000 on the file of the Additional District Munisiff Court, Ariyalur and effect consequent mutation of title in revenue records within a time to be stipulated by this Court.

For Petitioner : Mr.S.Arun Prakash
for Mr.A.V.Raja

For Respondents : Mr.V.Veluchamy
Government Advocate

ORDER

This writ petition has been filed for a mandamus to direct the respondent Authorities to grant patta to the petitioner in respect of petitioner's land measuring an extent of acre 1.42 cents comprised in S.F.No.272/3, Konerirayampuram Village, Walajanagaram Group, Ariyalur Taluk, Ariyalur District



previously Perambalur District, on the basis of the Decree and Judgment dated 31.03.2003 passed in O.S.No.246 of 2000 passed by the Additional District Munsif Court, Ariyalur and effect consequent mutation of title in revenue records within a time frame.

2.The case of the petitioner is that the petitioner is the absolute owner of a land measuring an extent of acre 1.42 cents comprised in S.F.No.272/3 Konerirayampuram Village, Walajanagaram Group, Ariyalur Taluk, Ariyalur District originally larger extent of property was owned by one Muthusamy Padayachi, after his demise, he purchased the said property from his grandson viz., Mr.Poyyamozhi on 12.07.1983 and he has been in possession and enjoyment for about 40 years and prior to his purchase, his predecessors in title was in possession and enjoyment of the said property for more than 60 years and therefore, the title in respect of the subject property is confirmed by way of adverse possession also.

3.The petitioner submits that the said Konerirayampuram Village is an ex-Zamin Village which was taken over by the Government under the Estate Abolition Act, even though, the subject property is a cultivable land but the respondent / Authorities have wrongly classified the subject land as mayanam land, the subject land was never used as mayanam land at any point of time and the survey number of the subject property is part and parcel of S.No.272/1.

4.The petitioner further submits that during the year 1987, at the instigation of the Village President, the third respondent herein attempted to issue "B" memo in order to disturb his peaceful possession and enjoyment of his subject property and hence, he filed a civil suit in O.S.No.185 of 1987 against the respondents 1 and 3 and the Panchayat President before the District Munsif Court, Ariyalur, seeking declaration of his title in respect of the said property and for permanent injunction, the District Munsif Court passed a Decree and Judgment dated 30.10.1989 declared that his title is absolute in respect of the subject property and also granted permanent injunction.

5.The petitioner submits that in view of the order passed by the District Munsif Court, Ariyalur, the respondent/Authorities are duty bound to change the classification of the subject land from poromboke to ryotwari and grant separate patta in his favour in respect of the subject land and in all the Revenue Records like "A" Register, field map, sketch and hence, he approached the respondent /Authorities including the third respondent for change of classification and grant of patta in respect of the subject property in his favour.



6.The petitioner further submits that there is no response from the respondent/Authorities and the respondent/Authorities have neither changed the classification nor issued patta in his favour, such action on the part of the respondent Authorities is against the Decree and Judgment passed by the Lower Court.

7.According to the petitioner, he was constrained to issue notice to the respondent /Authorities under Section 80 of the Civil Procedure Code dated 1.8.200 and though the respondent / Authorities have received the notice, they have willfully failed to comply with the demand made in the notice and hence, he filed a civil suit for mandatory injunction in O.S.No.246 of 2000 before the Additional District Munsif Court, Ariyalur.

8.The petitioner submits that instead of complying with the decree and judgment granted by the Lower Court, the respondents 1 and 2 herein filed an Appeal in A.S.No.112 of 2008 before the Additional Munsif Court, Ariyalur, however, the said appeal was dismissed by the Additional District Judge, Ariyalur by virtue of decree and judgment dated 20.12.2010, confirming the decree and judgment passed by the Lower Court.

9.According to the petitioner, his title in respect of the subject property has been concurrently confirmed by Decree and Judgment of the Lower Court in O.S.No.246 of 2000 and A.S.No.112 of 2008.

10.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

11.Heard, learned counsel for the petitioner and the learned Government Advocate for the respondents and perused the materials available on record.

12.In view of the above facts and circumstances of the case and considering the submission made by the petitioner, this Court is of the view that the respondent/Authorities to pass orders based on the decree and judgment of the Courts below within a period of 16 weeks from the date of receipt of a copy of this order.

13.With the aforesaid direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

pam/skr



To

1.The District Collector,
Ariyalur District,
Ariyalur.

2.The Revenue Divisional Officer,
Ariyalur District,
Ariyalur.

3.The Tahsildar,
Ariyalur Taluk,
Ariyalur District.

+1cc to the Government Pleader SR.No.51306

W.P.No.20921 of 2021

NR(CO)
RVM(05/01/2022)