



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8202 of 2021

WEB COPY

1.Arulmuthu
2.Arulanthu

...Petitioners

Vs.

1.The District Collector,
Sivagangai District.

2.The Thasildar,
Kalaiyarkovil Taluk,
Sivagangai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to issue the patta in the name of the petitioners relating with the land ad measuring 1 Acre 24 cents comprised in S.No.195/6A in Vannikudi group in Kalayarkovil Taluk, Sivaganga District, in view of the Judgment and Decree in A.S.No.124 of 2003 on the file of the Subordinate Court, Sivaganga.

For Petitioners : Mr.R.Suriya Narayanan

For Respondents : Mr.B.Bhagawathy
Government Advocate

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the second respondent to consider the representation made by the petitioner on 28.12.2020, wherein, the petitioners are seeking for issuance of patta in their names with respect to the subject property in line with the Judgment and Decree passed in A.S.No.124 of 2003, dated 30.08.2004, by the Subordinate Court, Sivaganga.

2. The case of the petitioners is that they purchased the subject property by virtue of registered sale deeds dated 31.07.1990, registered as Document Nos.758 and 759 of 1990. The petitioners made an application for the transfer of patta in their names before the second respondent.



3. The further case of the petitioners is that the second respondent refused to grant patta on the ground that the property is shown as Government poramboke land in the revenue records. The petitioner, therefore, filed a suit in O.S.No.95 of 2002, before the District Munsif Court, Sivaganga, seeking for the relief of permanent injunction. The said suit was dismissed by the Judgment and Decree dated 13.11.2003. Aggrieved by the same, an appeal was filed in A.S.No.124 of 2003, before the Sub Court, Sivaganga. The appeal was contested on merits and ultimately, the appeal was allowed by Judgment and Decree, dated, 30.08.2004. Thereby, the suit was decreed in favour of the petitioners.

4. A careful reading of the judgment passed in the appeal shows that the petitioners are in possession and enjoyment of the subject property and there is also a *prima facie* title in their favour.

5. The petitioner once again made an application in the year 2007, seeking for issuance of patta in their name. A legal opinion was also sought for by the second respondent in this regard. However, no action was taken on the application filed by the petitioners seeking for transfer of patta.

6. The petitioner once again made a representation to the second respondent on 28.12.2020 seeking for patta in their names in line with the Civil Court Decree. Even this did not evoke any response from the second respondent and left with no other alternative, the present Writ Petition has been filed before this Court seeking for appropriate directions.

7. Heard Mr.R.Suriya Narayanan, learned Counsel appearing on behalf of the petitioners and Mr.B.Bhagawathy, learned Government Advocate appearing on behalf of the respondents.

8. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the second respondent to deal with the representation made by the petitioner on 28.12.2020 strictly in accordance with law and pass appropriate orders, within a period of eight (8) weeks, from the date of receipt of a copy of this order.

9. The petitioner is directed to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order.



10. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CO)

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/ True Copy/

/ /2021

Sub Assistant Registrar(CS)

Tsg

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,
Sivagangai District.

2.The Thasildar,
Kalaiyarkovil Taluk,
Sivagangai District.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-16815[F]
dated 21/04/2021)

+1 CC to M/s.SPL GP (SR-16949[F] dated 21/04/2021)

Order made in
W.P. (MD) .No.8202 of 2021

20.04.2021

SSI (06.05.2021) 3P 5C