



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.9036 of 2021

K.L.Subramanian

... Petitioner

Vs.

1.The District Collector,
District Collectorate,
Madurai.

2.The District Revenue Officer,
District Collectorate,
Madurai,
Madurai District.

3.The Revenue Divisional Officer,
Melur Division,
Narasingampatti,
Madurai District.

4.The Tahsildar,
Madurai East Taluk,
Madurai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 4th respondent herein to mutate the revenue 'patta' in favour of the petitioner with respect of the subject properties herein in Survey Nos.74/1, 92/3, 92/4A, 130/9A, 73/3, 74/5B, 43/9, 43/11,75/1A at Uthangudi Village, Madurai East Taluk, Madurai District to an extent of 2.65 acres in the light of the orders passed by the 2nd respondent herein in Na.Ka.No.23899/2004, dated 09.07.2005 and the consequential proceedings in O.Mu.No.G2/46954/2019, dated 14.11.2019, within the time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.P.Mahendran

Additional Government Pleader

ORDER

This Writ petition has been filed for the issuance of Writ of Mandamus, directing the fourth respondent to consider the representation made by the petitioner, on 26.02.2021, wherein, the petitioner has sought for the mutation of the revenue records and



for the grant of patta in the name of the petitioner, with respect to the subject properties in line with the orders passed by the second respondent through proceedings, dated 09.07.2005 and the orders passed by the third respondent through proceedings, dated 14.11.2019.

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2.The case of the petitioner is that he is the owner of the subject property by virtue of registered sale deed, dated 13.07.1998. An attempt was made by some persons to encroach upon the property and they managed to get a patta in their favour. The petitioner filed an appeal before the third respondent and after due enquiry, the third respondent passed an order cancelling the patta given in the name of the third parties, through proceedings, dated 10.11.2003.

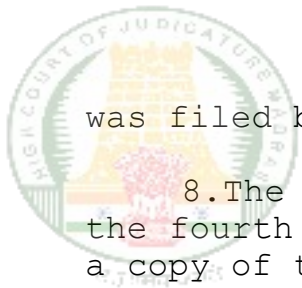
3.Aggrieved by the same, a revision was filed before the second respondent and the second respondent after conducting an enquiry by giving opportunity to all the parties, dismissed the revision and confirmed the orders passed by the third respondent. There was a further direction given to the fourth respondent to mutate the revenue records in the name of the petitioner and others, who are the original owners of the property.

4.The grievance of the petitioner is that the order passed by the second respondent has not been acted upon by the fourth respondent in spite of representations given by the petitioner. Left with no other alternative, the present writ petition has been filed before this Court, seeking for appropriate directions.

5.The learned Additional Government Pleader submitted that there was a subsequent alienation of the property and the patta was granted in favour of the subsequent purchasers.

6.Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.P.Mahendran, learned Government Advocate for the respondents.

7.Taking into consideration the facts and circumstances of this case and the limited relief sought for in this writ petition, there shall be a direction to the fourth respondent to consider the representation made by the petitioner, on 26.02.2021 and deal with the same strictly in accordance with the earlier orders passed by the second and third respondents and pass the consequential orders, within a period of four weeks from the date of receipt of a copy of this order. The fourth respondent need not conduct any enquiry in this case and the fourth respondent has been merely directed to implement the orders passed by the second respondent. Therefore, the fourth respondent must restore the patta to its original position. If at all, the subsequent purchasers have any claim over the property, they can only go and agitate their claim before the competent Civil Court for the simple reason that they are also bound by the orders passed by the second respondent, wherein, the revision



was filed by the vendor of the subsequent purchasers.

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

9.This writ petition is disposed of with the above directions.
No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

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

1.The District Collector,
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Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-18213[F] dated 30/04/2021)

+1 CC to M/s.GP (SR-18390[F] dated 03/05/2021)

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