



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.13889 of 2021

S.Ramakrishnan

... Petitioner

versus

1.The Commissioner of Land
Administration,
Chepauk,
Chennai.

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The District Revenue Officer,
Sivagangai District,
Sivagangai.

4.The Thasildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

... Respondents

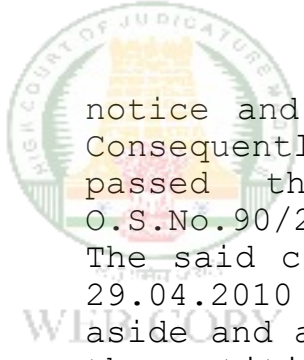
Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the fourth respondent to issue patta in the name of the petitioner in S.No.283/5 measuring 90 cents out of 0.76.0 Hectare at Seikalathur Village, Manamadurai Taluk, Sivagangai district as per the decree and judgment passed in O.S.No.90/2008 dated 29.04.2010 passed by the learned Principal District Munbsif, Manamadurai as well as the petitioner's representation dated 08.03.2019.

For Petitioner : Mr.K.C.Ramalingam
For Respondents : Mr.R.Baskaran
Counsel for the State

ORDER

The petitioner seeks a direction to the fourth respondent to issue a patta in the name of the petitioner with regard to the property in Survey No.283/5 measuring 90 cents out of 0.76.0 Hectare at Seikalathur Village, Manamadurai Taluk, Sivagangai District.

2. The petitioner states that he purchased the property from one Mr.Paripooranam. The third respondent cancelled the assignment in favour of the aforesaid Mr.Paripooranam by order dated 30.12.2002 which was issued many years after the petitioner purchased the property. In spite of the above fact, the petitioner states that the order of cancellation was issued without putting the petitioner on



notice and providing the petitioner with a reasonable opportunity. Consequently, a writ petition was filed and pursuant to the orders passed thereunder, the petitioner filed a civil suit in O.S.No.90/2008 before the Principal District Munsif, Manamadurai. The said civil suit was disposed of by a judgment and decree dated 29.04.2010 in terms of which the cancellation of the patta was set aside and a direction was issued to confirm the patta in the name of the petitioner. According to the petitioner, no appeal was filed against the judgment and decree, which attained finality. In the circumstances, the petitioner submitted a representation dated 08.03.2019 to the third respondent herein and has filed the present writ petition because no action was taken in response thereto.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of all the four respondents.

4. Upon examining the judgment in O.S.No.90/2008, it is evident that the suit was laid against the second and four respondents herein. It is also evident that the suit was decreed as prayed for by setting aside the cancellation of the assignment by order dated 30.12.2002. The patta issued in favour of the petitioner on 24.05.1997 has also been confirmed. The contention of the petitioner that the judgment and decree dated 29.04.2010 was not appealed against is not refuted by the respondents. Consequently, said judgment and decree is binding on the respondent as on date. Therefore, the petitioner is entitled to the relief prayed for.

5. For the reasons aforesaid, the fourth respondent is directed to issue a patta in the name of the petitioner in Survey No.283/5 admeasuring 90 cents at Seikalathur Village, Manamadurai Taluk, Sivagangai District in terms of the judgment and decree in O.S.No.90 of 2008 dated 29.04.2010. The aforesaid direction shall be complied with within a period of two months from the date of receipt of a copy of this order.

6. W.P.(MD).No.13889 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

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

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Sivagangai.

4.The Thasildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

+1 CC to M/s.K.C.RAMALINGAM, Advocate(SR-25968[F] dated
11/08/2021)

W.P (MD) No.13889 of 2021
10.08.2021

MGJ(19.08.2021) 3P 6C