



W.P.No.19508 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.19508 of 2021
and WMP.Nos.20800 of 2021 and 2856 of 2022

T.Sivalingam

.. Petitioner

Vs.

1.State rep.by The District Collector,
Ariyalur District, Ariyalur.

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

3.The Revenue Divisional Officer,
Udayarpalayam Division,
Ariyalur District.

4.The Tahsildar,
Sendurai Taluk,
Ariyalur District.

5.Sellamuthu

6.Marimuthu

7.Palanimuthu

8.MUthuvel

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India
praying of issuance of Writ of Certiorarified Mandamus to call for records



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of the impugned order passed in Na.Ka.Aa2/4331/2021 dated 12.08.2021 by the 2nd respondent and quash the same as illegal and consequently direct the respondents 2 to 4 to restore the Patta No.890 in SF.No.369/23 to the extent of 0.0104 Sq.Meter (I e 252 sp.ft), Ayanthathanur Village, Sendurai Taluk, Ariyalur District, in the petitioners name.

For Petitioner : Mr.K.Gandhi Kumar
For RR1 to 4 : Mr.U.Baranidharan
Additional Government Pleader
For RR5 to 8 : Mr.S.Kamadevan

ORDER

The petitioner has filed this petition for issuance of writ of Certiorarified Mandamus to call for records of the impugned order passed by the 2nd respondent and quash the same as illegal and consequently direct the respondents 2 to 4 to restore the Patta in the petitioners name.

2. The case of the petitioner is that during the year 1994, the petitioner has assigned house site patta in S.F.No.369/23 to the extent of 252 sq.ft in Ayanthathanur Village, Sendurai Taluk, Ariyalur District in Patta No.890, whereby he put up a small house and residing there with his family. While so, from the month of November 2020 onwards, the respondents 5 to 8 have joined together and disturbing the petitioner's



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peaceful enjoyment over the land and also attempting to grab his land.

Hence, the petitioner has filed a Suit before the District Munsif cum Judicial Magistrate Court, Sendurai, in O.S.No.17/2021, seeking relief of permanent injunction and the said Court had granted ad-interim injunction on 26.02.2021 and the same has been in force till 22.09.2021 and after that, the 4th respondent has issued a Memo dated 03/2021 to the 7th respondent stating that since the Suit is pending against the respondents 5 to 8 and also against the official respondents, Status Quo will be maintained by both parties regarding the subject matter of the suit property.

3. While the matter stood thus, the 7th respondent suppressing all the above facts, had approached this Court by filing WP.NO.9751/2021 seeking Mandamus to cancel the patta granted in favour of the petitioner and this Court by order dated 20.04.2021, directed the 1st respondent to complete the enquiry and to pass suitable orders on merits after hearing the petitioner as well as the 4th respondent therein. Thereafter, in compliance of the said order, the 2nd respondent without considering the detailed explanation of the petitioner dated 09.08.2021, had passed the impugned



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order dated 12.08.2021, by cancelling the house site patta. Challenging the said impugned order, the petitioner is before this Court.

4. Though very many grounds have been raised by the learned counsel appearing for the petitioner, he limited his prayer to the extent that this Court may permit the petitioner to canvass all the points before the Civil Court in the pending Suit in O.S.No.17/2021 and prays for appropriate orders in that regard.

5. The learned Additional Government Pleader as well as the learned counsel appearing for the private respondents has no serious objections for the said order being passed.

6. Considering the limited request sought for by the petitioner, this Court without going into the merits of the matter and without interfering with the order impugned in this writ petition, issues direction to the District Munsif cum Judicial Magistrate Court, Sendurai, to decide the issue independently on merits, without being influenced by the impugned



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order and pass appropriate orders and the petitioner is granted liberty to canvass all the points before the Civil Court in O.S.No.17/2021.

7. Accordingly, this writ petition is dismissed with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

16.11.2022

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To

- 1.The District Collector,
Ariyalur District, Ariyalur.
- 2.The District Revenue Officer,
Ariyalur District,
Ariyalur.
- 3.The Revenue Divisional Officer,
Udayarpalayam Division,
Ariyalur District.
- 4.The Tahsildar,
Sendurai Taluk,
Ariyalur District.

M.DHANDAPANI,J.



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