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W.P.(MD)NO.3489 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3489 of 2022 and
W.M.P.(MD)Nos.3059, 3062 & 3064 of 2022

1. Rajathi

2. Saraswathi

... Petitioners

Vs.

1. The Revenue Divisional Officer,
Madurai District.

2. The Tahsildar,
Maduria West Taluk,
Madurai District.

3. The Inspector of Police,
Nagamalai Pudukottai,
Madurai.

4. A.P.Kandhasamy

5. M.Kathirvel

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 and 2 to revert back the patta in the petitioner's name in respect of the properties comprised in S.No.46/22, 46/23, Thuvariman Village, Madurai District, classified as ' Natham Poramboke ' in consonance with the order dated



15.12.2021 made in W.P.(MD)No.5120 of 2019 on the file of this Court and consequently forbear respondents 4 and 5 from putting up any construction in the property comprised in S.No.46/22, 46/23, Thuvariman Village, Madurai, without any valid patta.

For Petitioners : Mr.R.G.Shankar Ganesh

For R-1 to R-3 : Mr.G.Sivaraja,
Government Advocate.

For R-4 & R-5 : Mr.G.Sakthi Rao

* * *

ORDER

Heard the learned counsel on either side.

2. The property in question is a Natham land. The Tahsildar, Madurai West Taluk, issued patta in favour of the writ petitioners. The same was questioned by the fourth respondent. Accepting the claim of the fourth respondent, patta issued in favour of the petitioners was cancelled. Finding was given that the fourth respondent is in possession and enjoyment of the property. Challenging the same, the petitioners filed W.P.(MD)No.5120 of 2019. The said writ



petition was partly allowed on 15.12.2021. While confirming the order of the first respondent 07.02.2019, cancellation of the patta was set aside.

3. The contention of the petitioners is that when the order of cancellation of the patta has been set aside, the natural and logical consequence is that the name of the petitioners should be re-entered in the revenue record. Seeking the said relief, the present writ petition came to be filed.

4. When the matter was taken up for hearing, the learned counsel on either side submitted that the following suits are pending in connection with the petition mentioned properties:-

a) O.S.No.71 of 2022 on the file of the District Munsif, Thirumangalam.

b) O.S.No.232 of 2022 on the file of the Sub Court, Thirumangalam.

c) O.S.No.84 of 2017 on the file of the District Munsif, Thirumangalam, filed by the petitioners.



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5. When the civil suits had already been instituted, it may not be appropriate to make any entry in the revenue records. I therefore direct that the revenue records will reflect the character of the property as Natham and it is not necessary to enter the name of any person in the revenue record. Based on the outcome of the aforesaid suits, mutation can be made in the revenue records in respect of the petition mentioned land. It is needless to state that even if any finding has been rendered by the revenue authority or even if the entries are made in the revenue records, the jurisdictional civil Court alone is competent to take the final call in the matter.

6. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.07.2022

Index : Yes / No
Internet : Yes/ No

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G.R.SWAMINATHAN,J.

PMU

To:

1. The Revenue Divisional Officer,
Madurai District.
2. The Tahsildar,
Maduria West Taluk,
Madurai District.
3. The Inspector of Police,
Nagamalai Pudukottai,
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