



W.P.(MD)No.5959 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.5959 of 2022

and

W.M.P.(MD)No.4672 of 2022

S.Kumar

.. Petitioner

Versus

1.The District Collector,
Madurai District,
Madurai.

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

3.The Revenue Divisional Officer,
(Sub-Collector),
Madurai,
Madurai District.

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

5.P.Velmurugan

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in Ne.Mu.No. 2964/2021/P dated 29.06.2021 and to quash the same and consequently direct



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the second respondent to conduct and complete enquiry upon the petitioner's complaint, dated 01.11.2021 in respect of land in Survey Nos.28/30, 28/31 situated in Parasurampatti Village, Madurai North Taluk, Madurai District within a time frame fixed by this Court.

For Petitioner	:	Mr.V.Manikandan
For R1 to R4	:	Mr.D.Sadiq Raja Additional Government Pleader
For R5	:	Mr.C.Vakeeswaran

ORDER

The petitioner has prayed for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in Ne.Mu.No.2964/2021/P, dated 29.06.2021 and to quash the same and consequently direct the second respondent to conduct and complete the enquiry upon the petitioner's complaint, dated 01.11.2021 in respect of land in Survey Nos.28/30, 28/31 situated in Parasurampatti Village, Madurai North Taluk, Madurai District.

2.The case of the petitioner is that the property comprised in Survey No. 18/4 situated at Parasurampatti Village, Madurai North Taluk, Madurai District belongs to the petitioner. The patta is also stands in the name of the petitioner's father Shanmugam. The property was sub-divided as Survey Nos. 28/30, 28/31 in 'A' Register in the Revenue records of Madurai North Taluk. The petitioner has filed a suit in O.S.No.102/1998 and the said suit was decreed on 16.03.1999 in favour of the petitioner. For execution of decree



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passed in O.S.No.102/1998, an Execution Petition was filed in E.P.No.242 of 2005 before the learned I Additional Subordinate Judge, Madurai for claiming compensation. As per the decree passed in O.S.No.102/1998, a sum of Rs.81,023/- through cheque dated 18.08.2014 was issued to the petitioner. The 5th respondent was illegally trying to occupy the petitioner's land and he filed a suit in O.S.No.286/2016 before the District Munsif Court, Melur for declaration and for permanent injunction in respect of the suit property. The learned Judge had dismissed the suit on 20.01.2020. For the past 46 years, the petitioner's father and the petitioner is in possession and enjoyment of the property and the petitioner have civil Court decree and patta is also in his favour. While being so, the 5th respondent illegally trying to get the patta in his favour. Hence, on 25.06.2021, the petitioner made representation to the first respondent and in turn, the petitioner's application has been forwarded to the 3rd respondent on 18.08.2021 for due consideration. Thereafter, the petitioner made a complaint before the District Registrar to cancel the document registered by the fifth respondent in his favour. While so, the 5th respondent is trying to interfere with the petitioner's possession. To the petitioner's shock and surprise, the third respondent based on the petition of the 5th respondent, dated 28.03.2021 cancelled the petitioner's patta through his proceeding in Ne.Mu.No.2964/2021/P, dated 29.06.2021. Challenging the said order, the petitioner has filed the present Writ Petition.



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3. The impugned order shows that as per the UDR 'A' register, the land in Survey No.18/4 comprised in Natham Survey No.28/30 0.00.35 sq.ft was registered in the name of Kumar, S/o.Shanmugam in the Revenue records instead of Thiru.Velmurugan. In this regard, C.R.P(MD)No.2103 of 2010 was filed and the same was taken up for hearing on 27.10.2010 and order was passed in favour of the 5th respondent Velmurugan. Hence, based on the circular dated 13.07.2020, the Revenue Divisional Officer has passed an order without even giving an opportunity to the petitioner. In the impugned order, there is no whisper about giving any notice to the petitioner. Only based on the documents, the authorities on their own have come to the conclusion and decided to remove the name of the petitioner and insert the name of the 5th respondent.

4. The grievance of the petitioner's is that without giving any opportunity to the petitioner, the impugned order has been passed. The fifth respondent has already filed a suit in O.S.No.286 of 2016 before the District Munsif Court, Melur for declaration and for permanent injunction and the said suit was dismissed. The respondents have not considered the civil Court decree and patta.



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5. Considering the above facts, the impugned order passed by the third respondent, dated 29.06.2021 is set aside and directs the respondents 1 to 4 to conduct fresh enquiry on the petitioner's complaint, dated 01.11.2021 and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of a copy of this order after giving an opportunity to all the parties.

6. With the above observation and direction, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

am

Order made in
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