



W.P(MD)No.10277 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.10277 of 2022

P.Ponnusamy

... Petitioner

Vs.

1.The Collector,
Madurai,
Madurai District.

2.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

3.The Deputy Registrar,
Madurai District,
Madurai.

4.The Sub Registrar,
Office of the Sub Registrar,
Chekkanurani,
Madurai.

5.Pandi

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to



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transfer patta to the petitioner's name and consequently direct the 3rd respondent to delete the wrong entry made in the encumbrances with regard to the property situated in Survey No.249/2A, K.Puliyankulam Village, Thirumangalam Taluk, Madurai District on considering the petitioner's representation dated 03.01.2022 within the time stipulation as prescribed by this Court.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 to R4.
No appearance for R5.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the respondents 1 to 4. Though the fifth respondent has been served and his name is printed in the cause list, he has not chosen to enter appearance.

2.The petition mentioned property originally stood in the name of the writ petitioner's family. Whiles, the fifth respondent herein filed O.S.No.56 of 2009 before the District Munsif Court, Thirumangalam for declaration and injunction. He obtained an ex-parte decree in his favour. Based on the same,



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the patta was changed in his favour. Subsequently, the petitioner filed a petition for setting aside the ex-parte decree and the suit eventually came to be dismissed on 07.08.2018. Challenging the same, the fifth respondent filed A.S.No.100 of 2018 before Sub Court, Thirumangalam. The appellate Court also dismissed the appeal on 14.11.2019.

3. When on account of the ex-parte decree, the patta was changed in favour of the fifth respondent and when the suit itself eventually came to be dismissed, the original position ought to have been restored. The prayer made by the writ petitioner is eminently reasonable. The second respondent is directed to effect mutation and restore the revenue record to the position that prevailed before the institution of O.S.No.56 of 2009.

4. The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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