



W.P.(MD)No.11003 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.11003 of 2022

M.Sivakumar

... Petitioner

Vs

- 1.The Commissioner / Director,
Tamil Nadu Boomidhana Board,
Commissioner of Land Reforms,
Chepauk,
Chennai.
- 2.The District Collector,
Office of the District Collector,
Sivagangai District,
Sivagangai.
- 3.The District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai District,
Sivagangai.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
- 5.The Tahsildar,
Office of the Tahsildar,
Kalaiyarkkovil Taluk,
Sivagangai District.



W.P.(MD)No.11003 of 2022

6.The Village Administrative Officer,
Paruthikanmoi Group,
Kalaiyarkovil Taluk,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 2 and 3 to take necessary action in pursuance of the proceedings of the second respondent vide ந.க.ஐ.எல்.ஆர்.7975/2021 dated 16.12.2021 and 04.03.2022 and consequential direction to issue patta in respect of the property in Survey No.54/1 situated at Paruthikanmoi Village, Kalaiyarkovil Taluk, Sivagangai District, in favour of the petitioner on the basis of the decree and judgment passed by the District Munsif Court, Sivagangai in O.S.No.174 of 2007 dated 22.08.2012 and the final decree for partition passed by the District Court, Sivagangai in I.A.No.352 of 2016 in O.S.No.34 of 2013 dated 16.12.2020.

For Petitioner : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.M.Prakash

Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of patta in respect of the petition mentioned land. It is seen that the land in question forms part of a larger extent



W.P.(MD)No.11003 of 2022

and it stood in the name of Tamil Nadu Boomidhana Board. Contending that the land in question was never gifted to Tamil Nadu Boomidhana Board, the writ petitioner's maternal uncle filed a suit in O.S.No.174 of 2007 before the District Munsif Court, Sivagangai. The suit was decreed in favour of the plaintiff on 22.08.2012. As on date, the writ petitioner is armed with a decree granted by the jurisdictional civil Court. Of course, that the suit pertains to the entire 3 acres and 87 cents in Survey No.54/1 in Paruthi Kanmai Village. It is stated that subsequently, it was partitioned and the petitioner is now laying claim on half of the suit schedule property.

3. The petitioner's stand is opposed by the respondents by contending that an appeal has been filed challenging the said judgment and decree. It is interesting to note that even though the Judgment and Decree in O.S.No.174 of 2007 was passed on 22.08.2012, only in the year 2022, an appeal is said to have filed before the Sub Court, Sivagangai.

4. I cannot decline the petitioner's request on the ground that appeal has been filed. Of course, if the respondents succeed in the said appeal, the petitioner's rights will have to give way. Till then, the petitioner is entitled to issuance of patta as sought for. The third respondent is directed to issue patta in favour of the writ petitioner as prayed for. This writ petition is allowed. It is



W.P.(MD)No.11003 of 2022

needless to reiterate that the rights of the petitioner will abide by the outcome of the appeal filed against the aforesaid judgment and decree. No costs.

24.06.2022

Index : Yes / No

Internet : Yes/ No

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W.P.(MD)No.11003 of 2022

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W.P.(MD)No.11003 of 2022

G.R.SWAMINATHAN, J.

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W.P.(MD)No.11003 of 2022

24.06.2022