



W.P(MD)No.11708 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11708 of 2022

R.Karuppasamy

... Petitioner

Vs.

1.The District Revenue Officer,
Thoothukudi District,
Thoothukudi – 628 101.

2.The Revenue Divisional Officer,
Kovilpatti – 628 501,
Thoothukudi District.

3.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti – 628 501,
Thoothukudi District.

4.Kalimuthu Sekar,
Village Administrative Officer,
Kovilpatti – 628 501,
Thoothukudi District.

5.P.M.Pandiyan

6.The Exercise Tahsildar,
Kovilpatti.

... Respondents

*(R6 is suo motu impleaded vide order dated
15.07.2022 in W.P.(MD)No.11708 of 2022 by
GRSJ)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the official respondents to issue a land revenue receipt to the petitioner in respect of the dry land in Survey No.66/1B to an extent of 85 cents in Moopanpatti village hamlet of Kovilpatti village and Taluk, Thoothukudi District held under patta No.8308 in the name of the petitioner.

For Petitioner : Mr.A.V.Arun

For Respondents : Mr.N.Ramesh Arumugam,
Govt. Advocate for R1 to R3. & R6.
Mr.KA.Ramakrishnan for R5.
No appearance for R4.

ORDER

Heard the learned counsel on either side.

2.The property in question originally belonged to one Sankarasubbu. He failed to pay the excise dues. Therefore, the property was brought to auction by the excise department and was taken over. In the meanwhile, the Sankarasubbu had sold the property in the year 1996 in favour of the writ petitioner. The case of the writ petitioner is that subsequently Sankarasubbu had cleared the arrears and the land also got released which in turn validated the earlier transaction.



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While so, the children of Sankarasubbu had intended to sell the same to the fifth respondent herein. It appears that the sale deed was presented for registration. The registering authority declined to register the same.

3.Be that at it may, the only relief sought for the in the writ petition is for directing the revenue authorities to issue land revenue receipt for the petition mentioned land. This request is strongly opposed by the learned counsel for the fifth respondent. He would submit that the writ petitioner filed O.S.No.3 of 2016 before the District Munsif Court, Kovilpatti and the same was dismissed for non prosecution. The other contention raised by the learned counsel for the fifth respondent is that when Sankarasubbu had sold the property in favour of the writ petitioner, he did not have title over the same.

4.These are factual aspects. I do not want to go into same. Suffice to say that the petition mentioned property is standing in the name of the writ petitioner. When the patta is standing in the name of the writ petitioner, the revenue authorities cannot decline to issue revenue receipt for the same. I therefore, direct the third respondent to issue land receipt in favour of the writ petitioner for the petition mentioned property. I make it clear that allowing of this writ petition will not in any way affect the rights of the fifth respondent, if



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any, over the petition mentioned property. All the rights of the fifth respondent are left open.

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

25.08.2022

Index : Yes / No
Internet : Yes/ No
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To:

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G.R.SWAMINATHAN, J.

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