



W.P.(MD)No.15447 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2022

CORAM

THE HONOURABLE Mrs. JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.15447 of 2021
and
W.M.P.(MD)No.12346 of 2021

Irulappan, S/o.Rajamadan

.. Petitioner

Versus

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.
- 3.The Tahsildar,
Watrap Taluk,
Virudhunagar District.
- 4.The Firka Surveyor,
Watrap Taluk,
Virudhunagar District.
- 5.The Village Administrative Officer,
Kansapuram Village,
Watrap Taluk,
Virudhunagar District.

6.Sundarakutti, S/o.Late.Muiyandi

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the third respondent herein not



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take any steps to sub-divide the property in Ayan Punja Survey No.826/8, Kansapuram Village, Watrap Taluk, Virudhunagar District and not to issue/grant Patta in favour of the sixth respondent.

For Petitioner : Mr.M.Jothi Basu

For Respondents 1 to 5 : Mr.A.Kannan
Additional Government Pleader

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the third respondent herein not to take any steps to sub-divide the property in Ayan Punja Survey No.826/8, Kansapuram Village, Watrap Taluk, Virudhunagar District and not to issue/grant Patta in favour of the sixth respondent.

2.According to the petitioner, on 06.09.1991 he had purchased the property, measuring an extent of 41 cents, situated in Ayan Punja Survey No. 826/8, Kansapuram Village, Watrap Taluk, Virudhunagar District, from one Thangapalani and others in the name of his son-in-law Chinna Seeni. The petitioner's friend namely, R.Balakrishnan requested him to execute a document to an extent of 5 cents in the said land to avail a housing loan from the Department. On the instruction of the petitioner, his son-in-law Chinna Seeni executed a sale deed in favour of the said Balakrishnan on 04.06.1992 without any sale consideration. Thereafter, on 17.09.1993 the petitioner's son-in-law executed a sale deed in favour of the petitioner in respect of the remaining 36 cents of the said land.



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3. Further, according to the petitioner, he is in possession and enjoyment of entire 41 cents of land. The sixth respondent herein made an attempt to interfere with his peaceful possession and enjoyment in the property from the year 2020 onwards. During enquiry, it was informed that he purchased the property to an extent of 5 cents from the said Balakrishnan. Hence, the petitioner filed a suit in O.S.No.11 of 2021 before the Principal Sub-Court, Srivilliputhur, for declaration, permanent and mandatory injunction, in which, the sixth respondent is arrayed as third defendant and the said suit is pending. Pending the suit, the sixth respondent is trying to sub-divide the property and obtain Patta in his name. On 09.08.2021 the Sub-Inspector, Watrap Firka, Watrap Taluk, issued a notice and fixed date for survey of the said land on 18.08.2021 with the help of Police. Hence, the petitioner sent a legal notice to the respondents 3 to 5, requesting them not to change the physical features of the property till the conclusion of the suit in O.S.No.11 of 2021 and in this regard, he has also sent a representation dated 16.08.2021 to the respondents 1 to 5. The sixth respondent is trying to change the revenue records in his name in spite of the petitioner's objections. Since the petitioner's representation, dated 16.08.2021, was not considered so far, he approached this Court by way of filing the present Writ Petition for the relief stated supra.



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4.The learned Additional Government Pleader appearing for the respondents 1 to 5 submitted that the representation of the petitioner, dated 16.08.2021, would be considered and appropriate orders would be passed by the authorities concerned, on merits and in accordance with law, within a time frame.

5.Recording the above said submission made by the learned Additional Government Pleader appearing for the respondents 1 to 5, this Court, without going into the merits of the case, directs the authorities concerned to consider representation of the petitioner, dated 16.08.2021, and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to all the necessary parties concerned, within a period of eight weeks from the date of receipt of a copy of this order.

6.This Writ Petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes/No
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Order made in
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