



W.P(MD)No.22368 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22368 of 2022

and

W.M.P.(MD)Nos.16567 and 19157 of 2022

1.C.Balasubramanian

2.C.Kathamuthu

... Petitioners

Vs.

1.The District Collector,
District Collectorate Campus,
Tiruchirappalli District.

2.The District Revenue Officer,
District Collectorate Campus,
Tiruchirappalli District.

3.The Revenue Divisional Officer,
Revenue Divisional Office,
Tiruchirappalli District.

4.The Block Development Officer,
Anthanallur Panchayat Union,
Anthanallur, Srirangam Taluk,
Tiruchirappalli District.

5.The Tahsildar,
Srirangaim Taluk,
Tiruchirappalli District.



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6.The Panchayat President,
Thirupparaithurai Panchayat Office,
Srirangam Taluk,
Tiruchirappalli District.

7.The Village Administrative Officer,
Thirupparithurai Village,
Srirangam Taluk,
Tiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the Respondents their men agents servants or any other persons claiming through them from in any way disturbing the peaceful possession and enjoyment of the Property of the Petitioners in respect of their land property comprised in S.No. 74 situated in Rengatchipuram, Thirupparaithurai village, Srirangam Taluk, Tiruchirappalli District without following due process of law.

For Petitioners : Mr.I.Romeo Roy Alfred

For Respondents : Mr.M.Lingadurai,
Spl. Govt. Pleader for R1 to R3, R5 & R7.
Mr.V.Om.Prakash,
Government Advocate for R4 & R6.

ORDER

Heard the learned counsel on either side.



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2.The petitioners want this Court to restrain the respondents from interfering with their possession and enjoyment of the petition mentioned land. The petitioners rely on a sale deed of the year 1961. They also rely on a decree passed by the Civil Court. However, the Government is not a party to the decree obtained by the petitioners. The petitioners are also not having patta in their favour. In these circumstances, it is not possible for this Court to pass restraint order against the respondents.

3.The learned counsel for the petitioners states that the petitioners made request for issuance of patta way back in the year 2007. It is stated that enquiry was already conducted but no final order was passed. The petitioners were granted interim order when the writ petition was admitted. Taking note of the fact that the petitioners were enjoying interim order, I direct the fifth respondent to pass order on the petitioners' request for issuance of patta. I make it clear that I have not gone into the merits of the matter. It is open to the fifth respondent to pass order one way or the other. The fifth respondent shall give a disposal to the petitioners' patta application within four weeks from today. It is for the petitioners to extend fullest cooperation in the enquiry. Even if the petitioners fail to extend the cooperation, the fifth respondent need not wait and he can straightaway pass order. Till the final order is passed by the fifth



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respondent, the position that is presently obtaining on ground will continue. I am issuing this direction only because the petitioners had enjoyed interim order during pendency of the writ petition.

4.If the decision of the fifth respondent is adverse to the petitioner, the petitioners have to necessarily go before the jurisdictional Civil Court. They cannot once again knock the doors of the Writ Court. In the suit, if at all that has to be filed, the Government will have to be made as party. Even if any road is laid in the meanwhile, the rights of the parties will abide by the eventual outcome of the suit proceedings.

5.With these observations, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

06.12.2022

Index : Yes / No
Internet : Yes/ No
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Issue order copy on 07.12.2022.



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G.R.SWAMINATHAN, J.

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