



W.P.(MD)No.22624 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.09.2022

CORAM

THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD) No.22624 of 2022

Rajammal, W/o.Arumugam

.. Petitioner

Versus

1.The District Collector,
Dindigul District.

2.The District Revenue Officer,
Dindigul District.

3.The Tahsildar,
Nilakkottai Taluk,
Dindigul District.

4.The Taluk Surveyor,
Nilakottai Taluk,
Dindigul District.

5.Pottukaran

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to provide Manaivari Thoraya Patta in favour of the petitioner, based on the representation, dated 03.08.2022 and take necessary steps to measure the land and fix the boundaries, bearing S.No.25/3B, situated at Poothipuram, Jambuduraikottai Village, Nilakottai Taluk, Dindigul District.



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For Petitioner : Mr.S.Sivaprakash
For Respondents 1 to 4 : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to provide Manaivari Thoraya Patta in her favour, based on the representation, dated 03.08.2022 and take necessary steps to measure the land and fix the boundaries, bearing S.No.25/3B, situated at Poothipuram, Jambuduraikottai Village, Nilakottai Taluk, Dindigul District.

2.Heard Mr.S.Sivaprakash, learned counsel appearing for the petitioner and Mr.C.Satheesh, learned Government Advocate for the respondents 1 to 4. By consent of learned counsel appearing for the parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The case of the petitioner is that on 09.10.2012 the Government issued Anumantha Patta for S.No.25/3B, measuring an extent of 000.50 sq.ft. to her by way of proceedings in Na.Ka.No.AA1/20745/12 in H.S.No.1918/12. As the roof got damaged, the petitioner planned to build a new house. Therefore, she demolished the old roof house. When she started the construction works, the people of Poothipuram Village including the fifth respondent herein prevented the construction works and threatened her. In the said



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circumstances, the fifth respondent herein filed a Writ Petition in W.P. (MD)No.23988 of 2018 before this Court, directing the respondents 1 and 3 to cancel the allotment of public land in S.No.25/3B in Poothipuram, Jambuduraikottai Village, Nilakottai Taluk, Dindigul District. This Court, by order dated 10.01.2019, disposed of the said Writ Petition, stating that the Patta stands in the name of the petitioner and therefore, it would not be possible to direct the third respondent to cancel the Patta without putting the petitioner on notice and gave liberty to the fifth respondent to approach the concerned authority for redressal of his grievances, taking into account the Patta given to the petitioner. Hence, the fifth respondent filed a suit in O.S.No.108 of 2021 on behalf of his Village people against the petitioner before the District Munsif Court, Nilakottai and the same is pending. The third respondent has also filed a counter affidavit stating that the fifth respondent has no right for filing the suit to cancel the Patta.

4.The petitioner submits that this Court, vide order dated 05.10.2020, in W.P.(MD)No.13465 of 2020, held that the pendency of litigation before the Court is not a bar for the authorities to conduct survey or re-survey in the absence of any stay/interim order/interim injunction from proceeding further. Hence, the petitioner made a representation on 18.04.2022 to the third respondent to survey the land. However, the third respondent rejected the



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petitioner's representation on 18.05.2022 on the ground that she is in possession of the said land by way of Anumantha Patta and therefore, the same could not be surveyed. Hence, on 13.06.2022, the petitioner preferred an appeal to the first respondent/District Collector, based on which, on 19.07.2022 the third respondent sent a Memo stating that he cannot survey the land and fix the boundaries of the property stands in Anumantha Patta, unless the petitioner obtains Manaivari Thoraya Patta in her name. Therefore, the petitioner made a representation on 03.08.2022 to the respondents 1 and 3, for obtaining Manaivari Thoraya Patta. However, no fruitful action has been taken so far. Hence, the petitioner left with no other effective alternative remedy, approached this Court under Article 226 of the Constitution of India.

5.The learned Government Advocate appearing for the respondents 1 to 4 submits that on 08.09.2022 the Additional Personal Assistant to the District Collector [Land], Dindigul, has forwarded the representation of the petitioner to the third respondent/Tahsildar, for taking necessary action as per law and report the same to the first respondent/District Collector and the petitioner. The learned Government Advocate further submits that the petitioner's land cannot be measured, as she has got only Anumantha Patta, as per the proceedings of the third respondent, dated 09.10.2012.



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6.Considering the above said submissions and on perusal of the materials available on record, it is seen that the said land has been allotted to the petitioner in the above said Village with definite boundaries and also the extent of land has been stated in the said Patta and Adangal also. The petitioner has also produced House Tax Receipt issued by the President of Panchayat, which stands in the name of the petitioner herein. That being the case, the respondents 1 to 4 cannot say that the petitioner is not in possession of the said land and as per Patta, she is entitled to seek the relief sought for. Hence, this Court directs the respondents 1 to 3 to pass appropriate orders on the petitioner's representation, dated 03.08.2022, on merits and in accordance with law, after providing an opportunity to all the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.

7.This Writ Petition stands disposed of with the above direction. No costs.

Index : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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