



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.10.2022

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.2472 of 2017

A.Ariff
Secretary,
Sothugudi Melapallivasal,
Ilayangudi,
Sivagangai District 630 709.

..Petitioner

Vs

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Majith Road,
Sivagangai.

3.The Tahsildar,
Ilayangudi,
Sivagangai.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to grant patta to the Petitioner for S.No.278/1 in sothugudi Group, Ilayangudi Taluk, Sivagangai District as per the judgment and decree dated 26.9.1995 in O.S.No.48 of 1994, on the file of District Court at Sivagangai within a reasonable time fixed by this Court.

For Petitioner :Mr.S.Srinivasa Raghavan

For Respondents:Mr.C.Satheesh
Govt.Advocate

**ORDER**

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The Petitioner has filed this Writ Petition seeking issuance of a Writ of Mandamus directing the respondents to grant patta to the Petitioner for S.No.278/1 in sothugudi Group, Ilayangudi Taluk, Sivagangai District as per the judgment and decree dated 26.9.1995 in O.S.No.48 of 1994, on the file of District Court at Sivagangai within a reasonable time fixed by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The case of the Petitioner is that the Petitioner is a Trust, which is in administration and management of the properties of Sothugudi Melapallivasal. One Avul Rowther had purchased the above said property by way of registered sale deed, dated 29.10.1990 for the benefit of Petitioner Pallivasal from one Kachi Pillai and settled the property in favour of the said pallivasal. The said vendor had derived title to the said property by way of registered sale deed, dated 9.2.1986. From the date of purchase, the Petitioner Trust is in exclusive possession and enjoyment of the said property. While leasing out the land to one Chinnamuthu for cutting of trees, the Petitioner came to know that the said property has been classified in the revenue records as "Government Poramboke". Aggrieved

by the same, the Petitioner filed a civil suit in O.S.No.48 of 1994 on the



file of District Court, Sivagangai for declaration of title and for permanent injunction and the said suit was decreed in favour of the Petitioner on 26.9.1995. The said judgment has not been challenged by the respondents for the past 20 years and hence it attained its finality. The Petitioner's representation earlier submitted for grant of patta was not considered by the respondents. The last one representation on 15.3.2016 was sent to the Commissioner of Land Administration, Chennai evoke response who in turn by his proceedings, dated 11.4.2016 had directed the first respondent to take action in the matter and intimate the same without fail. But till date no action has been taken and hence, the present Writ Petition has been filed.

4. In the counter affidavit filed by the respondents 1 to 3, it is stated that the above said property is classified as "Sarkar Poramboke" and no one can execute a sale deed to the Petitioner Trust and hence the sale deed, dated 9.2.1986 is null and void and that the possession and enjoyment of the said property by the Petitioner is an encroachment and trespassing. The petitioner's suit was decreed on 26.9.1995 and the Petitioner has not proceed further in the said matter and kept quiet for about 21 years and without assigning any reasons for not proceeding further, had claimed title and hence the Writ Petition is liable to be dismissed on the ground of laches.



5.The learned Government Advocate appearing for the respondents would submit that patta cannot be issued to the Petitioner as the land belongs to the Government and classified as "Government Poramboke".However, the learned Government Advocate would submit that the authorities will consider the claim of the Petitioner based on his representation and the judgement made in O.S.No.48 of 1994, within the time specified by this Court.

6.In view of the above submission, this Court, without going into the merits of the matter, directs the third respondent to consider the representation of the petitioner, dated 15.3.2016 in the light of the proceedings of the Commissioner for Land Administration, Chennai, dated 11.4.2016 and judgment made in O.S.No.48 of 1994, dated 26.9.1995 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the parties concerned within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, the Writ Petition stands disposed of. No costs.

27.10.2022

Index : Yes/No

Internet:Yes/No

vsn

<https://www.mhc.tn.gov.in/judis>



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Sivagangai District.
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V.BHAVANI SUBBAROYAN,J
vsn

ORDER MADE IN

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