



W.P(MD)No.493 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.493 of 2022

T.Udayappan

... Petitioner

Vs.

1.The District Collector

Sivagangai District,

Sivagangai.

2.The District Revenue Officer

Sivagangai District,

Sivagangai.

3.The Revenue Divisional Officer,

Sivagangai,

Sivagangai District.

4.The Tahsildar

Sivagangai (Now at Kalayarkoil),

Sivagangai District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider petitioner's representation, dated 20.09.2021 and to grant Patta in petitioner's name with regarding to the property having an extent of 1.80.5 Hectares in Survey No.337/1 situated at Alagapuri Village, Sivagangai Taluk and District in the light of the Judgment and Decree dated 20.01.1995 made in O.S.No.526 of 1988 on the file of the District Munsif Court, Sivagangai and the order, dated 12.06.2015 made in W.P. (MD) No.4993 of 2014 passed by this Court and the same was confirmed by the Division Bench of this Court by an order, dated 11.04.2016 in the Writ Appeal in W.A.(MD) No.530 of 2016.

For Petitioner : Mr.F.Deepak

For Respondent : Mr.J.Ashok
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of a Mandamus seeking a direction against primarily, the fourth respondent, Tahsildar,



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Kalayarkovil, Sivagangai, to consider the representation of the petitioner, dated 20.09.2021 and grant patta in the name of the petitioner relating to the property measuring 1.80.5 hectares in Survey No.337/1 at Alagapuri Village, Sivagangai Taluk, consequent to the judgment and decree, dated 20.01.1995 in O.S.No.526 of 1998 on the file of the District Munsif Court, Sivagangai and the further order in W.P.(MD)No.4993 of 2014, dated 12.06.2015 which was confirmed by the Division Bench of this Court in W.A.(MD) No.530 of 2016, dated 11.04.2016.

2. The petitioner, claimed that the aforementioned property belongs to Alagapuri Nagarathar Community people. It is classified as 'Gramanatham' in the revenue records. It had been stated that Alagapuri Nagarathar Community people have been possessing and enjoying the said property. The petitioner had filed O.S.No.526 of 1998 before the District Munsif Court, Sivagangai and the first respondent District Collector, Sivagangai, was a party defendant. The suit was decreed on 20.01.1995 after trial. The suit had been filed seeking a declaration of title and for permanent injunction. The first respondent had filed an appeal which came up for consideration before the Sub Court, but there



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was an inordinate delay and to condone the delay I.A.No.296 of 2015 had been filed in A.S.SR.No.-- of 2016. The said Interlocutory Application was dismissed on 21.12.2016. Thereafter, the petitioner had also filed a writ petition, which was also allowed and the writ appeal was also dismissed.

3. In view of these particular facts, direction is given to the fourth respondent to examine the representation given and after following due process, proceed to pass necessary orders in the light of the decree of the civil Court and order in the writ petition and confirmed in the writ appeal on or before 13.04.2023.

4. The writ petition stands allowed to that extent. No costs.

08.03.2023

Index : Yes/No
Internet : Yes/No
NCC : Yes / No
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C.V.KARTHIKEYAN, J.

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