



W.P(MD)No.712 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.712 of 2023 and
WMP(MD) No.716 of 2023

P.K.N.N.Udayappan @ Thiyagarajan

... Petitioner

Vs

1.The District Collector,
Pudukottai District.

2.The District Revenue Officer,
Pudukottai District.

3.The Tahsildar,
Thirumayam Taluk,
Pudukottai District.

4.The Village Administrative Officer,
Panangudi Village,
Thirumayam Taluk,
Pudukottai District.

...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 reclassify subject property in Survey No.



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97/1,2,4,9 and 10 A & 10B measuring 9.90 acres in 96, Panangudi Village, Thirumayam Taluk, Pudukottai District as patta land of the petitioner.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

This writ petition is filed for a Mandamus directing the respondents to reclassify the land in Survey Nos.97/1,2,4,9,10A and 10 B, measuring to an extent of 9.90 Acres of Panangudi Village, Thirumayam Taluk, Pudukottai District, since the patta stands in the name of the petitioner.

2.The learned counsel appearing for the petitioner submits that the land in S.No.97/1 originally belonged to one Muthaiah Chettiar @ Theerthappa Chettiar of Panangudi Village, Thirumayam Taluk, Pudukottai. The said Muthaiah Chettiar @ Theerthappa Chettiar had mortgaged the property in favour of one P.K.N.Nagappa Chettiar, father of the petitioner. Muthiah Chettiayar



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filed an insolvent petition in IP No.71/1930 and the property was brought under Court auction, the said P.K.N.Nagappa Chettiar has purchased the property and subsequently, he died. The petitioner is his legal heir and he is in possession of the property. While so, one Alagappan and one Chidambaram have attempted to put up a construction on the above land. Therefore, the petitioner has filed this writ petition for re-classification of the land.

3.Mr.P.T.Thiraviam, learned Government Advocate, who takes notice for the respondents on instructions submits that the lands in 97/1,2,4,9,10 are classified as Government Poramboke and they are not having any intention to assign those lands to anyone. He further submits that the petitioner has already filed a suit before the District Munsif Court, Thirumayam for the relief of declaration with regard to this property and the same is pending in O.S.No. 49/2022.



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4.Considering the rival submissions made and the stand taken by the respondents that they are not having any inclination to assign the subject lands to anyone and also considering the fact that the petitioner has already invoked the appropriate civil Court, this writ petition is disposed of with a liberty to the petitioner to work out his remedy before the civil Court, where the suit in O.S.No. 49/2022 is pending. No costs. Consequently, connected Miscellaneous Petition is closed.

22.08.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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