



W.P.(MD) No.2099 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2099 of 2020

1.N.Veeramani
2.N.Nethjaji

.. Petitioners

Vs.

1.The Superintending Engineer,
State Highways Department,
Madurai-20.

2.The Assistant Divisional Engineer,
State Highways (Rural),
Baglagundu, Dindigul District.

3.The Assistant Engineer,
State Highways (Rural),
Baglagundu, Dindigul District.

4.The District Revenue Officer,
Dindigul.

5.The Revenue Divisional Officer,
Dindigul.

6.The Tahsildhar,
Nilakottai Taluk,
Dindigul District.

.. Respondents



W.P.(MD) No.2099 of 2020

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, Directing respondents 4 to 6 to grant patta to the petitioners in respect of the property in S.No.1285/2 (old No.412A/3) measuring about 0.01.88 Ares situate in Batlagundu Village, Nilakottai Taluk, Dindigul District.

For Petitioners : Mr.D.Malaichamy

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The petitioners have filed this writ petition seeking the issue of a Mandamus to respondents 4 to 6 to grant patta in respect of the property bearing S.No.1285/2 (Old No.412A/3) measuring about 0.01.88 Ares situate in Batlagundu Village, Nilakottai Taluk, Dindigul District.

2. It is the case of the petitioners that the above lands belonged to their grandfather. On 05.09.1939, he had leased the same to the Batlagundu Panchayat Board under a registered deed bearing Document No.975/1939 at an yearly rental. On 15.10.1945, the petitioners' grandfather had settled the property on the petitioners' father, since the Panchayat Board had moved the bus stand to their own place.



W.P.(MD) No.2099 of 2020

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3. It is the petitioners' further case that they have been in possession and enjoyment of the same after their father's demise. However, during UDR, the property has been wrongly described as 'road poramboke', which has been objected to. Thereafter, the sixth respondent had measured the property and after that, the petitioners and their family had fenced the property. At present, they are in possession of an extent of 0.01.88 Areas as a large extent had been utilised for forming two roads viz., Periyakulam and Kanavaipatti Road.

4. The petitioners would submit that though the lands were taken, they have not been compensated for the same. Since the respondents were staking a claim for taking the property in question, the petitioners had filed a suit in O.S.No.28 of 2002 on the file of the District Munsif, Nilakottai and the same was decreed on 31.05.2005.

5. After the decree, the petitioners have been requesting the respondents to grant patta by way of petition, which was forwarded by the fifth respondent to the sixth respondent. Since the respondents had



W.P.(MD) No.2099 of 2020

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not been looking into the petitioners' representation, the petitioners have come forward with the present writ petition.

6. Learned counsel for the petitioners would reiterate the contents of the affidavit filed in support of the writ petition.

7. Mr.D.Ghandiraj, learned Special Government Pleader, appearing for the respondents would submit that the decree in the suit in O.S.No.28 of 2002 has been challenged by the respondents and therefore, patta cannot be processed.

8. Heard the learned counsel on either side.

9. The petitioners' possession and right to the property have been considered in the suit in O.S.No.28 of 2002 and a decree has been passed. The same has not been challenged. It is only after the filing of this writ petition, that the respondents claim that they have filed an appeal. However, no proof of the same has been filed.



W.P.(MD) No.2099 of 2020

WEB COPY

10. Be that as it may, the petitioners' possession of the property has been held in their favour by a civil Court. Therefore, there is no impediment for the petitioners to have the patta issued in their favour. Therefore, this Writ Petition is disposed of directing the respondents to issue patta and the same shall be subject to the result of the appeal within a period of six weeks. No costs.

02.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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W.P.(MD) No.2099 of 2020

P.T.ASHA, J.

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