



WP(MD)No.3510/2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.3510/2020

V.Subramanian

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Virudhunagar District.

2.The Tahsildar,
Office of the Taluk Office,
Rajapalayam, Virudhunagar District.

3.The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

4.The Sub Collector cum Revenue Divisional Officer,
Sattur Sub Division, Rajapalayam,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to issue patta in the petitioner's favour in respect of the lands comprised in Old S.No. 133/4, New S.No.133/1 and TS.No.35 Block No.4 situated at Chinna



WP(MD)No.3510/2020

Suraikkaipatti village, Rajapalayam Taluk, Viruthunagar District on the basis of his representation dated 10.08.2019 and in the light of the proceedings issued by the first respondent in Na.Ka.AA2/4078/2019 dated 20.08.2019 within the time stipulated by this Court.

For Petitioner : Mr.M.Shakul Hameed

For Respondents : Mr.J.John Rajadurai,
Government Advocate
for R1, R2 and R4

Mr.N.Dilip Kumar for R3

ORDER

The petitioner has invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India seeking to issue a writ of mandamus directing the respondents to issue patta in his favour in respect of the lands comprised in Old S.No.133/4, New S.No.133/1 and TS.No.35, Block No.4 situated at Chinna Suraikkaipatti village, Rajapalayam Taluk, Viruthunagar District on the basis of his representation dated 10.08.2019 and in the light of the proceedings issued by the first respondent in Na.Ka.AA2/4078/2019 dated 20.08.2019.



WP(MD)No.3510/2020

WEB COPY

2.1. The case of the petitioner is that he is the absolute owner of the property comprised in Old S.No.133/4, New S.No.133/1 and TS.No. 35, Block No.4 situated at Chinna Suraikkaipatti village, Rajapalayam Taluk, Viruthunagar District, by virtue of the registered settlement deed dated 02.02.1981 from one Ayyarkutty. After the purchase, dispute has been raised with reference to usage of the pathway situated in the above survey field. The respondents 1 to 3 started claiming right over the same. Therefore, the petitioner has filed a suit in OS.No.77/1999 against the respondents 1 to 3 on the file of the Principal District Munsif, Srivilliputhur. The suit was decreed in favour of the petitioner on 29.08.2003. The third respondent filed an appeal in AS.No.31/2004 on the file of the Sub Court, Srivilliputhur. The Appeal was dismissed by Judgment dated 30.01.2014. Therefore the petitioner's title to the property has been declared since no further appeal had been filed.

2.2. The petitioner would submit that he had requested the second respondent to survey his lands by submitting an application and paying necessary fees. The second respondent did not survey the land.



WP(MD)No.3510/2020

Therefore, a detailed representation dated 10.08.2019 was sent explaining the title of the property to the petitioner and requesting to issue patta after survey of lands. Once again, there was no response. Therefore, the writ petition.

3. When the matter was taken up for hearing, a letter dated 15.03.2023 addressed by the Revenue Divisional Officer, Rajapalayam to the learned Government Advocate has been produced, wherein, it is stated that the property in question has been classified as 'Government Poromboke Pannaiyar Street' and therefore, patta cannot be granted. This order came to be passed without affording any personal hearing to the petitioner, particularly when, the petitioner has a decree in his favour, which has been confirmed in the appeal filed by the third respondent herein. The respondents 1 to 3 after suffering a decree against them and having failed in their attempt to over turn it in an appeal, had attempted to overcome the decree by reclassifying the land. Be that as it may, the petitioner has himself submitted a representation to the respondents.



WP(MD)No.3510/2020

4. Therefore, the respondents shall consider the representation of the petitioner dated 10.08.2019 afresh, after affording an opportunity of personal hearing to all the parties concerned and pass necessary orders within a period of eight weeks from the date of receipt of a copy of this order. The order shall clearly set out as to how the Authority gets over the decree in OS.No.77/1999 on the file of the Principal District Munsif Court, Srivilliputhur as confirmed by the Sub court, Srivilliputhur in AS.No.31/2004. With the above directions, this writ petition is disposed of. No costs.

29.03.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

mbi

To

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 2.The Tahsildar,
Office of the Taluk Office,
Rajapalayam, Virudhunagar District.



WEB COPY



WP(MD)No.3510/2020

P.T.ASHA, J.

mbi

3.The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

4.The Sub Collector cum Revenue Divisional Officer,
Sattur Sub Division, Rajapalayam,
Virudhunagar District.

WP(MD)No.3510/2020

29.03.2023