



W.P.(MD) No.6566 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.6566 of 2020

Sugadha

.. Petitioner

Vs.

- 1.The District Collector,
District Collector's Office,
Trichy-1, Trichy District.
- 2.The District Revenue Officer,
D.R.O. Office,
District Collector's Office Complex,
Trichy-1, Trichy District.
- 3.The Revenue Divisional Officer,
R.D.O. Office,
District Collector's Office,
Trichy-1, Trichy District.
- 4.The Tahsildar,
Taluk Office,
Srirangam, Trichy-6,
Trichy District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Mandamus, directing the respondents



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herein to rectify the mistake in classification of revenue accounts of petitioner's property situated at Trichy District, Trichy Registration District, K.Sathanur Sub-Registration District, Srirangam Taluk, Mudikandam Village, S.F.No.73/1, in which hectare 2.23.0 Acres, equal to Acre 5.5.1 larger extent in which Acre 4.00 cent, on the basis of decree and judgment made in O.S.No.766 of 2014 on the file of the 1st Additional Sub-Judge, Trichy, dated 05.04.2016 as well as in the light of her representation dated 26.03.2020 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar

For Respondents : Mr.T.Amjadkhan
Government Advocate

ORDER

This writ petition is filed to issue a Writ of Mandamus, directing the respondents to rectify the mistake in the classification of revenue accounts of the petitioner's property situated in Mudikandam Village, Srirangam Taluk, K.Sathanur Sub-Registration District, Trichy District.

2. It is the case of the petitioner that out of larger extent of the property situate in S.F.No.75/1 of Mudikandam Village, Srirangam, Trichy, measuring an extent of 2.23 ares (5.51 acres) an extent of 4 acres



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within the specified boundary belongs to the petitioner by virtue of a sale deed dated 14.12.2011 registered in the office of K.Sathanoor Sub Registrar's Office in Document No.6972 of 2011. This property belonged to one S.Balamani, who sold it to the petitioner's vendor Dr.N.Dinakaran. Thereafter, under a registered sale deed dated 14.12.2011, the same was sold to the petitioner herein, who from the date of purchase, has been in possession and enjoyment of the same.

3. It is her case that revenue records have been mutated in her name and she has been assigned with Patta No.401. Before mutation in the name of the petitioner, the revenue records stood in the name of the original owner Balamani, She would submit that originally the patta was standing in the name of one Devadoss, son of Ramaiah and a joint patta had been issued in the name of Devadoss and his son Subramanian. On 06.06.2007, they had executed a general power of attorney in favour of one R.Gopal. The said R.Gopal had executed a registered sale agreement dated 23.07.2007 in favour of one M.Rajavel. As the sale agreement was not acted upon, they had cancelled the same under a registered



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cancellation deed dated 12.09.2007. Thereafter, a sale deed was entered into between the said Rajavel and Gopal on 12.09.2007. It is this Rajavel, who had executed the sale deed in favour of Balamani from whom the petitioner traces his title.

4. In the month of October, 2012, the petitioner came to learn that the lands were wrongly classified as Government Punja. The mistake appears to have been committed at the time of UDR Scheme. No notice has been issued to the interested parties before change in classification. The petitioner, therefore, submitted a detailed representation before the respondents on 11.10.2012 and requested them to correct the wrong classification. Despite receipt of the said representation, the respondents had not come forward to correct the same constraining the petitioner to file W.P.(MD) No.15303 of 2012 on the file of this Court for a direction. On 29.11.2012, this Court had directed the fourth respondent to consider the representation and pass orders within a period of four weeks. Despite receiving the said order, there was no action on the side of the fourth respondent, which act was contumacious. Therefore, the petitioner had



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filed a suit in O.S.No.766 of 2014 on the file of the 1st Additional Subordinate Judge, Tiruchirappalli for a declaration and injunction. The suit was decreed on 05.04.2016 with costs and even after the receipt of the judgment and decree, the respondents have not moved a little finger. Therefore, the present writ petition.

5. Heard the learned counsel on either side.

6. Perusal of the judgment and decree in O.S.No.766 of 2014 of the learned 1st Additional Subordinate Judge, Tiruchirappalli would clearly show that the petitioner's right and title to the suit property had been declared and an injunction has been granted restraining the defendants/respondents herein from interfering with the petitioner's peaceful possession and enjoyment of the suit property. This decree has attained finality, since there is no challenge to the same. In these circumstances, it is rather surprising that the respondents have not proceeded to pass order reclassifying the property back to its original classification.



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7. In the light of the above, a mandamus is therefore issued to the second respondent to immediately rectify the mistake in the classification of revenue records of the petitioner's property situated in S.F.No.75/1 of Mudikandam Village, Srirangam, Trichy, in the light of the judgment and decree in O.S.No.766 of 2014, dated 05.04.2016 in which the title of the plaintiff/petitioner herein has been declared within a period of eight weeks from the date of receipt of a copy of this order. No costs.

23.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

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P.T.ASHA, J.

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