



W.P.(MD) No.11039 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.11039 of 2020

Jainudeen

... Petitioner

Vs.

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

2.The Tahsildhar,
Taluk Office,
Manapparai,
Trichy District.

3.Sabeena Begam

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents to correct revenue records like Adangal, FMB etc related to the house property admeasuring East-West (North Side) 52.5 Ft; East-West (South side) 61 ½ Ft; North-South (West Side) 64 ½ Ft and North-South (East Side) 57 ½ Ft situated at Survey No.304 (New Survey No.582/29) of Puthanatham Village, Manapparai Taluk, Trichy District and vacate land



W.P.(MD) No.11039 of 2020

admeasuring East-West (North Side) 42 Ft; East -West (south Side) 42 Ft; North-South (West Side) 12 Ft and North-South (East Side) 9 Ft situated at Survey No.304 (New Survey No.582/29) of Puthanatham Village, Manapparai Taluk, Trichy District as per Decree and Judgment dated 07.12.2019 in O.S.No.156 of 2009 passed by the Principal District Munsif Court, Manapparai and issue separate Patta in the name of the petitioner on the basis of the representation made by the petitioner dated 11.03.2020 within stipulated period.

For Petitioner : Mr.B.Rajesh Saravanan

For R1 and R2 : Mr.T.Amjadkhan
Government Advocate

For R3 : Mr.H.Mohammed Imran
for M/s.Ajmal Associates

ORDER

This writ petition has been filed for a direction to the respondents to correct the revenue records like Adangal, FMB, etc. relating to the house property admeasuring East-West (North Side) 52.5 Ft; East-West (South side) 61 ½ Ft; North-South (West Side) 64 ½ Ft and North-South (East Side) 57 ½ Ft situated at Survey No.304 (New Survey No.582/29) of Puthanatham Village, Manapparai Taluk, Trichy District and vacate



W.P.(MD) No.11039 of 2020

land admeasuring East-West (North Side) 42 Ft; East -West (South Side) 42 Ft; North-South (West Side) 12 Ft and North-South (East Side) 9 Ft situated at Survey No.304 (New Survey No.582/29) of Puthanatham Village, Manapparai Taluk, Trichy District as per the decree and judgment dated 07.12.2019 in O.S.No.156 of 2009 passed by the Principal District Munsif Court, Manapparai and issue a separate patta in the name of the petitioner on the basis of the representation made by the petitioner dated 11.03.2020 within a stipulated period.

2. It is the case of the petitioner that the subject matter of property mentioned in the writ petition was declared in favour of the petitioner by a civil suit, namely, O.S.No.156 of 2009, on the file of the learned Principal District Munsif, Manapparai, after full trial, against which, neither the third respondent herein nor respondents 1 and 2, had preferred any appeal, though they were defendants in the said suit. It has been declared that the suit property is a vacant land and not the public pathway. Therefore, the petitioner had moved the respondents 1 and 2 to correct the entries in Survey No.304, New Survey No.582 /29



W.P.(MD) No.11039 of 2020

and issue separate patta in favour of the petitioner. Despite receiving the same, the respondents 1 and 2 were not coming forward to correct the entry and grant patta. Therefore, the petitioner is come forward with the above the writ petition.

3. Heard the learned counsel appearing on either side.

4. A perusal of the decree shows that the suit in O.S.No.156/2009 on the file of the Principal District Munsif Court, Manappari, filed by the petitioner herein against the respondents 1 to 3 herein claiming that the subject matter of property mentioned in the writ petition is his absolute property and that he is entitled to permanent injunction was contested by the third defendant and others. After contest, the learned Principal District Munsif has decreed the suit stating that the petitioner herein is entitled to the relief of declaration and that he is the absolute owner of the suit property and also for a consequential injunction restraining the third respondent/first defendant and her men, agent, etc. from interfering with the peaceful possession and enjoyment of the suit property by the



W.P.(MD) No.11039 of 2020

petitioner/plaintiff. The learned Principal District Munsif has taken note of Ex.C1 and Ex.C2, Advocate Commissioner's Report wherein it is stated that the suit first and second items of the property belong to the petitioner/plaintiff and that the second item of the property were never used as a common pathway and the classification of the same was therefore wrong.

5. In the light of this categoric finding of the civil Court, which has not been challenged, there is absolutely no impediment for the respondents 1 and 2 to correct the wrong entries and grant a patta in favour of the petitioner. Therefore, the Writ Petition is allowed issuing direction to the respondents 1 and 2 to correct the revenue records and issue patta in favour of the petitioner within a period of eight weeks from the date of receipt of a copy of this order. No costs.

24.04.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
cp



W.P.(MD) No.11039 of 2020

WEB COPY

To

- 1.The District Collector,
Office of the District Collector,
Trichy, Trichy District.
- 2.The Tahsildhar,
Taluk Office,
Manapparai,
Trichy District.



WEB COPY



W.P.(MD) No.11039 of 2020

P.T.ASHA, J.

cp

W.P.(MD) No.11039 of 2020

Dated: 24.04.2023