



W.P(MD)No.9977 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.9977 of 2023
and
W.M.P(MD) No.8761 of 2023

Muthuraj

... Petitioner

Vs.

The Tahsildar
Virudhunagar Taluk,
Virudhunagar District.

... Respondent

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records pertain to the impugned order passed by the respondent in O.Mu. 3015/2021(Ah2) dated 06.08.2021 and quash the same and consequently directing the respondent to issue patta in favour of the petitioner in respect of Old S.No.167/2, New Natham S.No.345/34, Kasireddiyapatti Village, Virudhunagar Taluk and District to an extent of 390 Sq.Ft.



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For Petitioner : Mr.G.R.Satish

For Respondent : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The writ petition has been filed in the nature of a Certiorarified Mandamus questioning an order passed by the respondent / Tahsildar, Virudhunagar Taluk, Virudhunagar District, dated 06.08.2021 in O.Mu.3015/2021 (Ah2) and direct the said respondent to issue patta in favour of the petitioner with respect to the land in Old Survey No.167/2, New Natham Survey No.345/34, Kasireddiyapatti Village, Virudhunagar Taluk and District.

2. In the affidavit filed in support of the writ petition, it had been stated that the petitioner is the owner of the aforementioned property. Earlier his mother, Aathilakshmi has purchased the property from one Varadharajan by a registered sale deed registered as Document No.3206 of 2004 dated 25.10.2004. That land measured to an extent of



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195 sq.ft. and from Seenivasan son of Chinnasamy Naidu by a registered sale deed in Document No.2753 of 2005 dated 29.08.2005 measuring 195 sq.ft. The petitioner claimed that the mother had become the owner of 390 sq.ft. in Survey No.345/34. Thereafter, the mother of the petitioner had executed a settlement deed in favour of the petitioner on 31.08.2020 which had been registered as Document No.3922 of 2020 in the file of the Virudhungan Joint II Sub Registrar. The petitioner had applied for patta. However, the respondent had rejected the grant of patta.

3. Even earlier, the mother of the petitioner had filed O.S.No.202 of 2008 with respect to the very same land as against one Sankaraiah, Varadharajan and Srinivasan. The said Varadharajan and Srinivasan were her vendors. The suit was filed for declaration of title and for permanent injunction to restrain the defendants from interfering with peaceful possession. The suit was dismissed for non-prosecution on 05.11.2009. The suit was filed before the District Munsif Court, Virudhunagar.



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4. The learned Special Government Pleader had taken notice on behalf of the respondent and forwarded written instructions, wherein, it is stated that the land is Government poromboke lands. Therefore, the respondent cannot grant patta to the petitioner herein. The petitioner may file necessary appeal in accordance with the provisions of law. But the Writ Petition, is misconceived and Writ Court cannot interfere with the said order particularly, because the land is Government poromboke land.

5. Accordingly, the Writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

26.04.2023

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

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To

The Tahsildar
Virudhunagar Taluk,
Virudhunagar District.



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C.V.KARTHIKEYAN, J.

RM

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