



W.P(MD)No.17839 of 2020

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH
COURT**

DATED : 08.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.17839 of 2020
and
W.M.P(MD)No.14878 of 2020

1.V.Sundaram

2.K.Ammavasai

... Petitioners

Vs.

1. The District Collector,
Madurai District,
Madurai – 625 020.

2. The District Revenue Officer,
Collectorate,
Madurai District.



W.P(MD)No.17839 of 2020

3. The Revenue Divisional Officer,
Thirumangalam,
Madurai.

4. The Tahsildar,
Thirumangalam Taluk,
Madurai District.

5. D. Srinivasan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the order of assignment of land in Na.Ka.No.J1/31940/94-6, Dated 13.08.1994 and bearing Survey No. 357/1 & 357/11 of Karadikkal Revenue Village of Thirumangalam Taluk, Madurai District passed by the 2nd respondent and quash the same as illegal and subsequently enter petitioner's name in Revenue records and issue patta of the said land to them recognizing their long term genealogical enjoyment right form their ancestor's period, by considering petitioners representation, dated 03.02.2020.



W.P(MD)No.17839 of 2020

WEB COPY

For Petitioner : Mr.K.K.Samy

For Respondents : M/s.S. Jeyapriya - for R1 to R4
Government Advocate

Mr.S.Srinivasaraghavan - for R5

ORDER

This Writ Petition has been filed challenging the proceedings of the second respondent dated 13.08.1994 and for a consequential direction to enter the petitioner's name in the revenue records and issue patta to the petitioner with respect to the subject property.

2. The case of the petitioner is that the subject property was originally in possession and enjoyment of one Velu and his family. After the demise of said Velu, his daughter-in-law Mrs.Muthupillai @ Sivanammal continued to possess and enjoy the property and submitted an application for patta. According to the petitioner, the said Velu and his family were enjoying the property for



W.P(MD)No.17839 of 2020

a long period of time and hence, they were entitled for patta for the said property. The petitioners are tracing their rights from the ancestor of the above said Velu.

3. The third respondent had assigned nearly 2.55 acres of land in favour of one Ramuthaai and nearly 3 acres in favour of Seeniyammal. Immediately after it came to the knowledge of the petitioners ancestor, an appeal was filed before the Sub Collector, Usilampatty and through proceedings, dated 10.06.1996, the same was rejected. Aggrieved by the same, an appeal was filed before the first respondent and this appeal was also dismissed. The first respondent also modified the orders of the Tahsildar and Sub Collector and cancelled the assignment made infavour of Ramuthaai and Seeniyammal.

4. The further case of the petitioners is that the ancestors of the fifth respondent managed to get the assignment in their favour. Hence, an appeal was filed for the cancellation of the assignment



W.P(MD)No.17839 of 2020

made in favour of ancestors of the fifth respondent. The matter ultimately reached the Special Commissioner of Land Reforms, Chennai, and the matter was remanded back to the file of the second respondent. The second respondent through the impugned proceedings, dated 13.08.1994, confirmed the land assignment. Aggrieved by the same, the present Writ Petition has been filed before this Court mainly on the ground that such an order was passed even without giving sufficient opportunity to the petitioners' ancestors.

5. Heard the learned counsel on either side and perused the materials available on record.

6. In the considered view of this Court, it is not necessary for this Court to go into the issues that have been raised by the petitioners, in view of the judgment and decree passed in A.S.(MD)No.96 of 2020 dated 19.06.2023. This Court has declared the title of the fifth respondent with respect to the subject property and has also granted permanent injunction in favour of the fifth



W.P(MD)No.17839 of 2020

WEB COPY

respondent. In this appeal, the petitioners were the first and second respondents and they also contested the appeal. Since the title of the fifth respondent has been declared by this Court, there is no reason to once again get into the very same issue. This Court holds that by virtue of judgment and decree passed in A.S.(MD)No.96 of 2020, dated 19.06.2023, no further adjudication is required in this Writ Petition and accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

08.12.2023

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

RM



W.P(MD)No.17839 of 2020

To
WEB COPY

1. The District Collector,
Madurai District,
Madurai – 625 020.
2. The District Revenue Officer,
Collectorate,
Madurai District.
3. The Revenue Divisional Officer,
Thirumangalam,
Madurai.
4. The Tahsildar,
Thirumangalam Taluk,
Madurai District.



WEB COPY



W.P(MD)No.17839 of 2020

N.ANAND VENKATESH, J.

RM

W.P(MD)No.17839 of 2020

08.12.2023