



W.P.(MD)No.18924 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18924 of 2020

and

W.M.P.(MD).No.15853 of 2020 and 5819 of 2021

B.V.Elanchelian

... Petitioner

Vs

1.The District Collector,
Theni District, Theni

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Theni.

3.The Tahsildar,
Office of the Taluk Office, Theni.

4.The Village Administrative Officer,
Koduvilavarpatti Village,
Theni District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents and their subordinates from interfering into the petitioner's peaceful possession



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and enjoyment of Punja land in DKT Patta No.658/1974, Patta No.1694, Survey No.255/1, an extent of 1 acre and 50 cents situated at Koduvilarpatti Village, Theni Taluk, Theni District.

For Petitioner : Mr.S.Jeyasingh

For R-1 to R-3 : Ms.D.Farjana Ghoushia,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus forbearing the respondents from interfering with the possession and enjoyment of the petitioner's subject property in Survey No.255/1 measuring an extent of 1 Acre and 50 Cents.

2. The petitioner claims that he is the owner of the subject property pursuant to the purchase of the property through a registered sale deed dated 12.05.2016. According to the petitioner, the property in Survey No.255/1 measures a total extent of 3 Acres and 45 Cents. This was originally owned by Suruliraj and Selvaraj. It was purchased from them by the vendor of the petitioner, viz., R.Bharathiraja in the year 2012. Thereafter, the petitioner has purchased the property.



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3. According to the learned counsel appearing for the petitioner, except for 1.50 Acres, the remaining portion in the total extent of 3 Acres and 45 Cents is considered to come under DKT Patta. The remaining portion of 1.50 Acres is not being recognized by the respondents and as a result, there is an attempt to interfere with the possession and enjoyment of the property with respect to 1.50 Acres. Hence, this Writ Petition was filed.

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. When this Writ Petition was entertained, this Court granted interim protection to the petitioner and thereby, the possession and enjoyment of the petitioner was directed not to be interfered with.

6. The learned Special Government Pleader appearing on behalf of the respondents submitted that the subject property continues to be recognized as “Anathinam” lands.



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7. Taking into consideration the facts and circumstance of the case, there shall be a direction to the petitioner to make a fresh representation to the second respondent along with all the relevant documents and also a copy of this order. The second respondent shall deal with the representation and take a final decision within a period of eight (8) weeks from the date of receipt of representation from the petitioner. Till a final decision is taken, the present *status quo* shall be maintained.

6. This Writ Petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

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NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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To

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Theni District, Theni
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Office of the Revenue Divisional Office,
Theni.
- 3.The Tahsildar,
Office of the Taluk Office, Theni.



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N.ANAND VENKATESH, J.

tsg

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