



W.P(MD)No.11728 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.11728 of 2014 and
MP(MD) No.1 of 2014

K.Sundaram @ Gandhi

...Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai South Taluk,
Madurai District.

3.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai.

4.The Sub Inspector of Survey – II,
Nagamalai Pudukottai, Madurai.

5.V.N.Thangavelu

6.Asaithambi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified



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Mandamus to call for the records of the impugned proceedings No.Na.Ka.No.F.L.1313/2011/S2, dated 03.10.2013 passed by the second respondent and quash the same and consequently direct the respondent to survey the petitioner's property situated at Survey No. 119/4 at Kodimangalam Post, Ko.Pudur Village, Madurai South Taluk, Madurai, which extends about 85 cents to fix the boundaries vide the petitioner's representation dated 28.01.2013 within a time frame fixed by this Court.

For Petitioner	: Mr.D.Saravanan
For R1 to R4	: Mr.J.K.Jayaselvam Government Advocate
For R5	: Mr.K.Rajeshwaran.

ORDER

This writ petition is filed challenging the order of the Tahsildar, Madurai South in proceedings No.Na.Ka.No.F.L. 1313/2011/S2, dated 03.10.2013.

2.By the order impugned in this writ petition, the petitioner's request for grant of patta for the land in Survey No. 119/4, Kodimangalam Post, Ko.Pudur Village, Madurai South Taluk, Madurai was rejected by the second respondent Tahsildar that this petitioner has not substantiated his claim with sufficient documents.



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3.The learned counsel appearing for the petitioner submits that the petitioner is having sufficient documents to establish his title over the subject property and he has also enclosed the documents in the typed set of papers. However, the Tahsildar without considering the same has erroneously passed this order that the petitioner has not substantiated his title over the property with sufficient documents.

4.The learned counsel for the fourth respondent submits that the fourth respondent also claims the title over the same property.

5.The learned counsel for the petitioner by referring the documents, which he relied on requests this Court to remand the matter for fresh consideration by the Tahsildar based on those documents.



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6.This Court considered the rival submissions made and

also perused the materials placed on record.

7.Since the issue involved in this writ petition is with regard to the claim of title over the same property, the revenue authorities cannot take any decision, as per Rule 4(4) of the Tamil Nadu Patta Pass Book Act. Hence, instead of remanding the matter to the Tahsidar for fresh consideration, this Court is inclined to dispose of this writ petition with a liberty to the petitioner to approach the competent civil Court to establish his right over the property in the manner known to law by filing the documents, which he relied on.

8.Accordingly, this writ petition is disposed of with such liberty. This writ petition is pending from the year 2014 without adjudication. Therefore, pendency of this writ petition before this Court shall not be taken as a ground for limitation. At the same time, if any suit is filed by the petitioner, the trial Court shall consider the



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time period lost in the pendency of this writ petition and shall endeavour to conclude the suit as expeditiously as possible. No Costs. Consequently, connected Miscellaneous Petition is closed.

11.04.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

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B.PUGALENDHI, J.

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ORDER MADE IN
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