



W.P(MD)No.4152 of 2015

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4152 of 2015

and

M.P(MD)No.1 of 2015

M.Ayeekannu

... Petitioner

Vs

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Revenue Divisional Officer,
Thanjavur.
- 3.The Tahsildar,
Boodhalur Taluk,
Thanjavur District.
- 4.The Zonal Deputy Thasildar,
Boodhalur,
Thanjavur District.
- 5.Chinnaiah Konar
- 6.Palraj
- 7.Kannaiyan



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8.Nagarajan

9.Chellathurai

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the record pertaining to the impugned order passed by the fourth respondent in Tho. Mu.Pa.Maa.129/2014, dated 20.03.2014, quash the same, and direct the respondents 3 and 4 to issue patta to the petitioner for S.No. 137/8A measuring 0.77.5 Acres, S.No.137/11 measuring 0.72.0 Ares of Veeramarasanpettai Village, Boodhalur Taluk, Thanjavur District, within the time stipulated by this Court.

For Petitioner : Mr.M.Saravanan

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1 to R.4

Mr.M.P.Senthil for R.8 & R.9

No Appearance for R.5 to R.7

ORDER

Heard the learned counsel appearing for the writ petitioner, the learned Additional Government Pleader appearing for the official respondents and the learned counsel appearing for the respondents 8 and 9.



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2. The only question that calls for consideration is whether patta should be mutated in favour of the writ petitioner in respect of the petition mentioned lands. The petitioner's request was rejected by the fourth respondent on the ground that litigation was pending.

3. The learned counsel appearing for the petitioner points out that the petitioner filed partition suit in O.S.No.61 of 2005 on the file of Principal Sub Court, Thanjavur and that final decree itself has been passed in her favour in I.A.No.134 of 2008 on 16.06.2011. The petition mentioned properties were allotted to the petitioner's share and the petitioner has also taken delivery. It is true that the respondents 5 and 6 have sold the property in favour of the respondents 8 and 9 and that obstructions petition have been filed. An independent suit also filed impeaching the validity of the decree.

4. On these grounds, the revenue authority cannot defer effecting mutation. The learned counsel appearing for the petitioner points out that the grounds now raised before this Court were projected in the partition suit proceedings and that those contentions were rejected and that the items were allotted in favour of the petitioner.



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5. The revenue authorities are bound by the findings rendered by the civil Court. When the decree is presently standing in favour of the petitioner and the same has not been set aside or stayed in the manner known to law, it is not open to the fourth respondent to negative the petitioner's request for mutation. The impugned communication is set aside. The mutation in respect of the petition mentioned lands shall be made in favour of the writ petitioner. This shall be done immediately and without delay.

6. This Writ Petition is allowed accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.09.2023

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

To

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Revenue Divisional Officer,
Thanjavur.

3.The Tahsildar,
Boodhalur Taluk,
Thanjavur District.



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4.The Zonal Deputy Thasildar,
Boodhalur,
Thanjavur District.



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G.R.SWAMINATHAN, J.

MGA

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