



W.P(MD)No.13014 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.13014 of 2016 and
WMP(MD)Nos.9824 & 9825 of 2016

R.Lakshmanan

Petitioner

Vs.

- 1.The District Collector,
District Collector Campus,
Virudhunagar District.
- 2.The District Revenue Officer,
District Collector Campus,
Virudhunagar District.
- 3.The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukkottai,
Virudhunagar District.
- 4.The Tahsildar,
O/o The Tahsildar,
Aruppukkottai,
Virudhunagar District.

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified



W.P(MD)No.13014 of 2016

Mandamus to call for the records pertaining to the impugned order in Na.Ka.A3 8131/2015, dated 23.09.2015, on the file of the fourth respondent and quash the same as illegal and consequently direct the fourth respondent to grant patta to the petitioner for the properties in Survey No.334/49 to an extent of 218 Sq.feet situated at Keelkudi Village, Paralatchi Via, Aruppukkottai Taluk, Virudhunagar District, within the time frame stipulated by this Court.

For Petitioner	:Mr.S.Rajasekar
For Respondents	:Mr.J.K.Jayaseelan
	Government Advocate

ORDER

This writ petition is filed as against the order of the fourth respondent in Na.Ka.A3 8131/2015, dated 23.09.2015 and for a consequential prayer to grant patta to the petitioner for the properties in Survey No.334/49 to an extent of 218 Sq.feet situated at Keelkudi Village, Paralatchi Via, Aruppukkottai Taluk, Virudhunagar District.

2.The learned counsel appearing for the petitioner submits that the above mentioned property is the petitioner's



W.P(MD)No.13014 of 2016

WEB COPY

ancestral property. The grievance of the petitioner is that though the respondents provided patta for the property in Survey No.334/48, patta for the property in Survey No.334/49 to an extent of 218 Sq.feet has not been granted in favour of the petitioner. Therefore, the petitioner has submitted several representations to the respondent seeking grant of patta. However, the respondents have not acted upon it. Hence, the petitioner was constrained to file a writ petition in W.P.(MD) No.11188 of 2015 before this Court to consider his representation. This Court, while disposing the writ petition, by order dated 03.07.2015 directed the respondents to consider the petitioner's representation after issuing notice to all the interested parties. According to the petitioner, the representation of the petitioner was rejected by the respondents subsequently. Challenging the same, the petitioner has filed this writ petition.

3.The learned Government Advocate appearing for the respondents by referring the detailed counter affidavit filed by the fourth respondent submits that S.No.334/48 measuring to an extent



W.P(MD)No.13014 of 2016

of 0.117 Sq.meter of Keelkudi Village, Aruppukottai Taluk, Virudhunagar District, stands in the name of one R.Marimuthu and K.Ramasamy in Patta No.406, as per Natham Settlement records. S.No.334/49 measuring an extent of 00022 Sq.meter of Keelkudi Village, Aruppukottai Taluk, Virudhunagar District has been classified as Grama Natham Vacant Site, as per Natham Settlement records. One old tiled house and pucca building has been constructed in S.No.334/48. On the eastern side of S.No.334/48 and S.No.334/49, the land in S.No.334/52 was located. One T.Ayyarappan has constructed a house in S.No.334/52, for which, patta No.9 has been granted in favour of T.Ayyarappan. The said T.Ayyarappan is residing in the house along with his family. The vacant site in Natham Poramboke in S.No.334/49 is utilized as pathway by T.Ayyarappan and his family members and no other pathway is available. The house of the petitioner has been located as per the release deed executed in the year 1991. The sale deed of T.Ayyarappan, relating to the year 1989 also reveals that there is a vacant site in S.No.334/49. The said T.Ayyarappan has filed a suit in O.S.No.173/2003 before the District



W.P(MD)No.13014 of 2016

WEB COPY

Munsif Court, Aruppukottai with a prayer not to assign the vacant site in S.No.334/49 Natham poramboke to anybody and the suit is still pending. However, the petitioner claims patta based on the Mortgage deed executed in the year 1909. Enquiry reveals that the Mortgage Deed executed in the year 1909 is not related to S.No. 334/48 and the boundaries also do not corroborate.

4.This Court considered the rival submissions made and also perused the records placed before this Court.

5.The request of the petitioner for grant of patta for the property in Survey No.334/49 to an extent of 218 Sq.feet situated at Keelkudi Village, Paralatchi Via, Aruppukkottai Taluk, Virudhunagar District was rejected by the fourth respondent. The learned Government Advocate has taken a specific stand that the petitioner's claim is based on the Mortgage deed executed in the year 1909. Further, the Mortgage Deed is not related to S.No.334/48.



W.P(MD)No.13014 of 2016

6.Since there is a rival claim with regard to the properties and the suit in O.S.No. 173/2003 instituted by one T.Ayyarappan before the District Munsif Court, Aruppukottai with regard to the subject property is still pending, the remedy available to the petitioner is only before the competent Civil Court.

7.In view of the above, this writ petition is disposed of with a liberty to the petitioner to work out his remedy before the competent Civil Court. No costs. Consequently, connected Miscellaneous Petitions are closed.

24.02.2023

Index : Yes/No
Internet: Yes/No
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W.P(MD)No.13014 of 2016

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W.P(MD)No.13014 of 2016

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