



W.P(MD)No.21916 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.21916 of 2023 and
WMP(MD) No.18284 of 2023

Dhanapal

... Petitioner

Vs

1.The District Collector,
Tiruchirapalli District.

2.The Tahsildar,
Marungapuri Taluk,
Thiruchirappali District.

3.The Block Development Officer,
Marungapuri Village,
Tiruchirappali District.

4.The President,
Ayanperuvai Village Panchayat,
Marungapuri Village,
Tiruchirappalli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorified Mandamus, to call for the records of the impugned proceedings of



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the second respondent in his proceedings in Na.Ka.A1/1583/2023 dated 28.08.2023 and quash the same and consequently forbearing the respondents from constructing any building in the common passage of the petitioner in Sy.No.293/6 & 293/7 situated at Ayenperuvai Village, Marungapuri Taluk, Tiruchirappalli District.

For Petitioner	: Mr.K.Muraleedharan
For R1 & R2	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R3 & R4	: Mr.Prakash Additional Government Pleader

ORDER

This writ petition is filed challenging the orders passed by the Tahsildar, Marungapuri in Na.Ka.A1/1583/2023 dated 28.08.2023, in and by which, the request of the petitioner for grant of patta for the land in S.No.293/6 and 293/7 of Ayenperuvai Village, Marungapuri Taluk, Tiruchirappalli District was rejected.

2.The learned counsel appearing for the petitioner by referring the Judgment and decree passed by the learned District Munsif, Manapparai in O.S.No.279 of 2005, dated 12.06.2008



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submits that this land has already been declared as pathway.

However, the fourth respondent Panchayat has attempted to put up some constructions obstructing the pathway to the petitioner's land.

Therefore, the petitioner has submitted an application for grant of patta for the subject lands. The second respondent/Tahsildar, without considering the documents placed by the petitioner has simply rejected the petitioner's request that this land is a Government land and the fourth respondent/the Ayanperuvai Village Panchayat is trying to put up some constructions in that land.

3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader who takes notice for the respondents 1 & 2 by referring the Judgment and decree in O.S.No. 279 of 2005 submits that neither the Government nor the Ayanperuvai Village Panchayat was a party to the said suit.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The petitioner has approached the second respondent/the Tahsildar for grant of patta for the land in S.No.293/6 and 293/7 of Ayenperuvai Village, Tiruchirappalli District. The first respondent has rejected that request that the land was classified as Government land and it is meant for some constructions for Panchayat. Whereas, in the decree passed by the civil Court in O.S.No.279 of 2005, it is recorded as a pathway. The petitioner claims that he has also placed the above Judgment and decree before the concerned authority, however, it was not considered. The stand of the respondents is that the decree has been obtained by the petitioner without impleading the Government as a party to the suit. More over, the petitioner is having an appeal remedy before the Revenue Divisional Officer under the Tamil Nadu Patta Pass Book Act, 1983.

6.In view of the above, this writ petition is disposed of with a liberty to the petitioner to work out his remedy either before



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the concerned Revenue Divisional Officer, by way of an appeal under the Tamil Nadu Patta Pass Book Act,1983 or by filing a civil Suit for declaration as against the Government and the Panchayat. No costs. Consequently, connected Miscellaneous Petition is closed.

11.09.2023

NCC :Yes/No

Index :Yes/No

Internet:Yes

vrn

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B.PUGALENDHI, J.

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