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WP (MD) No. 8877 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

WP (MD) No. 8877 of 2016

and

WMP (MD) Nos. 6854 of 2016 and 7785 of 2017

1. N. Sathyamoorthy

2. N. Narayanan

... Petitioners

Vs

1. The Revenue Secretary,
Tamil Nadu State Government,
Secretariat building,
Fort St. George,
Chennai - 600 009.

2. Tahsildar,
Taluk Office Compound,
Sathyamurthy Nagar,
Thirumayam,
Pudukkottai District.

3. The Revenue Divisional Officer,
Office of the Pudukkottai District Collector,
Pudukkottai.

4. The Special Tahsildar,
Office of the Land Acquisition proceedings,
Sathyamurthy Nagar,
Taluk Office Compound,
Thirumayam,
Pudukkottai District.



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5.The Special District Revenue Officer,
Office of the Land Acquisition Proceedings,
(For Thanjai Manamadurai Highways),
Pudukkottai District Collector Office,
Pudukkottai.

6.R.Devarajan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of mandamus directing the respondents 1 and 3 to consider the representation given on 24.12.2014 and to conduct an enquiry about the changes took place in the patta.

For Petitioner : Mr.K.Chockalingam

For Respondent : Mr.A.Kannan,

Nos.1 to 5 Additional Government Pleader

For Respondent : No representation

No.6

ORDER

This writ petition is filed for a writ of mandamus directing the respondents to consider the petitioner's representation dated 24.12.2014 to conduct enquiry about the change took place in the patta.

2.The petitioners vide their representation dated 24.12.2014 have made a request for issuing change of patta



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in S.No.559/2 to an extent of 0.54 in their favour that the land in S.No.559/2 belongs to their father Nagappan Chettiyar and he died in the year 1997. Therefore, as the legal heirs of Nagappan Chettiyar, these petitioners are entitled for change of patta.

3.The 5th respondent filed a counter affidavit that the land in SF.No.559/2 was already acquired for the purpose of National Highways for laying of Thanjavur - Manamadurai Highways. The petitioners claim title over the property that A register copy shows that SF.No.559/2 stands in the name of V.Natarajapillai and Nagappa Chettiar. In the updated register the said land stands in the name of one Ramaiah, the father of the 6th respondent in patta No.1066. Since there is a dispute with regard to the ownership, the Special Tahsildar, National Highways (Thirumayam)/ 5th respondent herein has withheld the compensation amount in respect of the said property, enabling the petitioner and the 6th respondent to get remedy from the appropriate Court.



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

5.Though the petitioners have filed this writ petition in the year 2016, pending the writ petition, they have also filed a suit in OS.No.131 of 2021, before the Additional District Munsif Court, Pudukkottai. Therefore, this writ petition is closed with liberty to the petitioners to work out their remedy in the pending suit. No costs. Consequently connected miscellaneous petitions stand closed.

16.02.2023

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B. PUGALENDHI, J.

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