



W.P(MD)No.28042 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28042 of 2023

M.Sathyaseelan

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Pattukottai Taluk,
Thanjavur District.

2.The Tahsildar,
Pattukottai Taluk,
Thanjavur District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent to mutate the village records in the name of petitioner in respect of 52 cents of land which comprised in Old Sy.no.214/11 (N.Sy.No.214/10) in Soorapallam Village, Pattukottai Taluk, Thanjavur District as per the proceedings of 1st respondent in Na.Ka.no.3719/2023/A4 dated 07.09.2023 and on the basis of various representations given by the petitioner dated 22.06.2023, 20.10.2023 and 25.10.2023 within a time stipulated by this Court.

For Petitioner : Mr.K.Vijayaraghavan

For Respondents : Mr.M.Prakash
Additional Government Pleader



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ORDER

Heard both sides.

2. The petitioner's father purchased the petition mentioned property in the year 1957. It was a registered document. The petitioner's father passed away some years ago. The petitioner was allotted the petition mentioned property in a family partition. However, in the revenue record, the land was described as 'assessed dry waste' (Adi Dravidar Welfare Department). The petitioner has therefore filed O.S.No.155 of 2015 on the file of the Sub Court, Pattukottai against the District Collector, Thanjavur and others. Relief of declaration and injunction was sought. The suit was decreed on 28.02.2019 in respect of the relief of injunction. Since declaration of title was not granted, the petitioner filed A.S.No.47 of 2019 before the III Additional District Court, Thanjavur at Pattukkottai. The appeal was allowed on 09.09.2022. It is stated that the decree has become final. No second appeal has been filed. Thereafter, the petitioner applied to the second respondent for mutation of the revenue record and issuance of patta. The second respondent gave recommendatory proposal in favour of the petitioner to the Revenue Divisional Officer, Pattukkottai. The Revenue Divisional Officer, Pattukkottai issued memorandum dated 07.09.2023 advising the second respondent to carry out the mutation himself. Since the



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proceedings of the first respondent have not been implemented, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. I am satisfied that a clear case for grant of relief has been made out. So long as the decree made in A.S.No.47 of 2019 on the file of the III Additional District Court, Thanjavur at Pattukottai is holding good, the second respondent has to mutate the village records and issue patta in favour of the petitioner. This shall be done by the second respondent within six weeks from the date of receipt of a copy of this order.

5. The Writ Petition is allowed. No costs.

28.11.2023

Index : Yes / No

Internet : Yes/ No

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To

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Pattukottai Taluk,
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G.R.SWAMINATHAN, J.

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