



W.P(MD)No.915 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition (MD)No.915 of 2024

and

W.M.P(MD)No.937 of 2024

- 1.Thangarasu
- 2.Kandasamy
- 3.Pushpa
- 4.Mohanraj
- 5.Meenatchi Ammal
- 6.Lakshmi Ammal
- 7.Karunagaran
- 8.Menaga
- 9.Kalarani

... Petitioners

-Vs-

- 1.The Commissioner
Tirichirappalli Corporation,
Cantonment, Trichirappalli.
- 2.The Revenue Divisional Officer,
Trichy Region,
Trichy.
- 3.Tahsildar,
Trichy West Taluk Office,
Cantonment,
Tirichirappalli.



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4.The Sub Inspector of Police,
Ward Committee Office – IV,
Tirichirappalli City Corporation,
Tiruchirappalli

5.Kandasamy

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the second respondent to dispose of the appeal dated 08.12.2023 on the file of the second respondent within the time framed by this Court on the basis of the petitioner's representation dated 21.12.2023.

For Petitioners : Mr.T.Vadivelan

For Respondents : Mrs.K.Christy Thebaral
Addl. Govt. Pleader (for R2 to R4)

Mr.K.R.Kishore Ram for
M/s R.B Law Associates (for R1)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the second respondent to dispose of the appeal dated 08.12.2023 on the file of the second respondent within the time framed by this Court on the basis of the petitioner's representation dated 21.12.2023.



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2. The case of the petitioner is that the subject matter property originally belonged to one Ayyanar Muthiriyar. Subsequently, one Govindaraj has purchased the same from the said Ayyanar Muthiriyar through registered sale deed dated on 15.09.1975. Thereafter, he has been in possession and enjoyment of the same. The patta has also been mutated in favour of the said Govindaraj. The said property have been converted into house plots. The petitioners have purchased the house plots. While so, the fifth respondent had evil intention to destroy the revenue records in respect of the above mentioned property and with help of the revenue officials, he had created the forged sale deed in his favour. Subsequently, patta has been changed in his favour. Hence, the petitioners have filed the civil suit in O.S.No.1076 of 1993 seeking declaration and permanent injunction. After trial, the trial Court has passed an order in favour of the petitioners. Suppressing the real fact, the fifth respondent has filed the writ petition in W.P(MD)No.24382 of 2022 to conduct the survey in respect of the disputed property and obtained an order of survey on 24.02.2023. The fourth respondent issued notice for survey. Hence, the petitioners have filed the writ petition in W.P(MD)No.11836 of 2023 and sought consideration of their objections. This Court, vide order dated 12.05.2023 passed order to



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conduct enquiry regarding their objections. However, the third respondent, without considering the petitioners' objections, has passed an order to conduct survey on 12.01.2024. As against which, the petitioners have preferred an appeal before the second respondent under Section 11 of the Tamil Nadu Survey and Boundary Act, 1923. In the meantime, the respondents 3 to 5 are trying to survey the lands and thereby, they wanted to evict the petitioners' possession and fence the land illegally. Hence, they filed the present writ petition to dispose of their appeal.

3. The learned Additional Government Pleader appearing for the respondents 2 to 4 would submit that on the petitioners' appeal dated 08.12.2023, the second respondent, vide proceedings dated 09.01.2024, passed an order directing the petitioners to approach the competent civil Court as the subject matter dispute is with regard to the title of the property. She has also produced a copy of the said proceedings dated 09.01.2024.

4. At this juncture, the learned counsel for the petitioners seeks liberty to file an appeal as against the order of the second respondent dated 09.01.2024.



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5. Since the second respondent/Revenue Divisional Officer has passed an order on 09.01.2024 on the appeal of the petitioners dated 08.12.2023, the prayer sought for in this writ petition has become infructuous. Hence, this Writ Petition is dismissed. However, a liberty is granted to the petitioners to approach the appellate authority to redress their grievances. No costs. Consequently, connected miscellaneous petition is closed.

12.01.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
skn

To

- 1.The Commissioner
Tirichirappalli Corporation,
Cantonment, Trichirappalli.
- 2.The Revenue Divisional Officer,
Trichy Region,
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- 3.Tahsildar,
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V.BHAVANI SUBBAROYAN, J.

skn

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