



W.P(MD)No.1264

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

WEB COPY

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1264 of 2024

V.Seenivasa Kumar

... Petitioner

Vs

1.The District Collector,
Collector Office,
Trichy District.

2.The District Revenue Officer,
Collectorate,
Trichy District.

3.The Revenue Divisional Officer,
Lalgudi Taluk,
Trichy District.

4.The Tahsildar,
Lalgudi Taluk,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 4 to mutate the revenue records in the name of petitioner for the properties in Survey Number 561/9, Neikulam Village, Lalgudi Taluk, Trichy District to an extent of 0.92.5 Ares in light of the judgment in O.S.No.3 of 2019 dated 04.04.2022 on the file of the Sub-Court, Lalgudi Taluk, Trichy District within the time frame stipulated by this Court.



W.P(MD)No.1264

For Petitioner : Mr.S.Rajasekar
For Respondents : Mrs.K.Christy Theboral
Standing Counsel

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to mutate the revenue records in the name of petitioner for the properties in Survey Number 561/9, Neikulam Village, Lalgudi Taluk, Trichy District to an extent of 0.92.5 Ares in light of the judgment in O.S.No.3 of 2019, dated 04.04.2022 on the file of the Sub-Court, Lalgudi Taluk, Trichy District within the time frame stipulated by this Court.

2. Heard Mr.S.Rajasekar, learned counsel appearing for the petitioner and Mrs.K.Christy Theboral, learned Additional Government Pleader appearing for the respondents.

3. By consent, this writ petition is disposed of at the admission itself.

4. The case of the petitioner is that the land in Survey No.569/1 with total extent of 1.68.0 hectares situated at Neikulam Village, Lalgudi Taluk, Trichy District was classified as Poramboke land. On 29.05.1985 the fourth respondent assigned the said land in S.No.561/1 to an extent of 0.75.5 Ares in favour of one Muthusamy.

Subsequently on 26.08.1986 patta was granted to one Rajednran S/o.Muthusamy for



W.P(MD)No.1264

the land in Survey No.569/1 to an extent of 0.92.5 Ares. The said Rajendran was in possession of the land in S.No.569/9. After the demise of Muthusamy, on 05.07.2006 the said Rajendran along with his brother Mr.Ravi had sold out the land in S.No.561/1 and the land in S.No.569/9 measuring to an extent of 4 Acres and 16 cents to one Mrs.Geetha vide Document No.2705/2006, dated 05.07.2006 before the Sub-Registrar Office, Chettikulam. On 26.03.2012, the said Geetha executed a sale deed in favour of the petitioner vide Doc.No.1932 of 2012, dated 26.03.2012. Subsequently, patta was granted in favour of the petitioner. The respondents denied to grant patta for land in S.No.569/9 situated at Neikulam Village, Lalgudi Taluk, Trichy District and till date no furtherance took place.

5. The petitioner had filed a suit in O.S.No.3 of 2019 before the Sub-Court, Lalgudi praying for permanent injunction for peaceful possession of his land in S.No.569/9 situated at Neikulam Village, Lalgudi Taluk, Trichy District arraying all the necessary parties as defendants. The learned Sub-Court, Lalgudi has granted permanent injunction in favour of the petitioner and also directed the respondents to make mutation in the revenue records.

6. The learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that as per the 'A' register the Survey No.561/1 was classified as 'Government Poramboke' and 'Tharisu' and various sub-divisions have been taken



W.P(MD)No.1264

place and S.No.561/1 to an extent of 0.75.5 Ares assessment was made and the assessment stands in the name of M.Rajendran in Patta No.1482 and S.No.561/9 to an extent of 0.92.5 was sub-divided as 'Tharisu'. But the patta was wrongly granted in S.No.561/1 in the name of Rajendran, W/o.Muthusamy and the same was not registered in the Village account. Therefore, the petitioner seeks for grant of patta and in this regard, proceedings are pending before the District Revenue Officer, Trichy District in Na.Ka.No.2/2456/2022 and enquiry is going on and hence, prayed for dismissal of the writ petition and direction may be given to the petitioner to appear before the District Revenue Officer, Trichy District.

7. Considering the limited scope of the prayer sought for by the petitioner, without going into the merits of the matter, this Court directs the District Revenue Officer, Trichy District to expedite the enquiry in Na.Ka.A2/2456/2022 and pass orders on merits and in accordance with law within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

8. It is seen from the Judgment and decree passed by the Sub-Court, Lalgudi in O.S.No.3 of 2019 that the respondents have not taken any defence and they have not cross-examined the witnesses and no documents were produced. In absence of non cross-examination of the witnesses, non production of documents and evidence, ex-parte decree was passed. As against the ex-parte decree, the officials have not taken any steps to set aside the ex-parte order.



W.P(MD)No.1264

WEB COPY

9. In view of the above, this Court directs the concerned Department i.e., Secretary to Government, Home Department, Chennai to take appropriate departmental action against the official defendants, who have not properly defended the case and left it ex-parte and not taken any steps to set-aside the ex-parte order till date.

10. This Writ Petition stands disposed of with the above directions. No costs.

Index : Yes/No
Internet: Yes/No
am

23.01.2024

To

1. The District Collector,
Collector Office,
Trichy District.
2. The District Revenue Officer,
Collectorate,
Trichy District.
3. The Revenue Divisional Officer,
Lalgudi Taluk,
Trichy District.
4. The Tahsildar,
Lalgudi Taluk,
Trichy District.



WEB COPY



W.P(MD)No.1264

V.BHAVANI SUBBAROYAN, J.

am

W.P(MD)No.1264 of 2024

23.01.2024