



W.P.(MD) No.6239 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.6239 of 2023

and

W.M.P(MD)No.20586 of 2023

S.Boominathan

.. Petitioner

Vs.

1.The District Collector,
Office of the Collector,
Ramanathapuram District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Ramanathapuram District.

3.The Tahsildhar,
R.S.Mangalam Taluk Office,
R.S.Mangalam,
Ramanathapuram District.

4.M.Maithidaiyan

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the third respondent to cancel the patta No.496 in Survey No.278/2 in favour of the 4th



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respondent and consequently direct the third respondent to issue patta to his in the petitioner's name in view of the earlier patta No.1336 in Survey No.278/2 in view of the order passed by the 2nd respondent in Na.Ka.A4-9005-09 dated 11.06.2010 at Cuddalore village Ramanathapuram District by considering the representation dated 03.02.2023.

For Petitioner : Mr.S.Atham Ali
For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed for a writ of Mandamus to direct the third respondent to cancel the patta No.496 in Survey No.278/2 in favour of the fourth respondent and consequently, to direct the third respondent to issue patta in the petitioner's name in view of the earlier patta No.1336 in Survey No.278/2 in view of the order passed by the second respondent in Na.Ka.A4-9005-09 dated 11.06.2010 at Cuddalore village Ramanathapuram District by considering the representation dated 03.02.2023.



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2. The case of the petitioner is that the land in S.No.278 measuring an extent of 2.88.0 hectares was given to his forefather, who had been enjoying the same. Ultimately, the property in question fell to the share of the petitioner's father viz., Sathiah. However, in the 'A' Register joint patta in Patta No.213 issued in the name of the petitioner's father Sathiah and one Selvam. Subsequently, the said S.No.278 was subdivided as 278/1 and 278/2. Patta No.213 was given to the petitioner's father for S.No.278/1 and Patta No.496 was given to Chellammal in respect of S.No.278/2.

3.The petitioner would further submit that the fourth respondent started interfere with the peaceful possession and enjoyment of the petitioner's father's property. Therefore, his father had filed a suit in O.S.No.90 of 98 before the District Munsif Court, Tiruvadanai, for permanent injunction. The said suit was decreed. In such circumstances, by taking advantage of Pata No.496 standing in the name of his vendor Chellammal, the fourth respondent has mutated the revenue records in his favour.



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4.The petitioner would also submit that he was enjoying the property by cultivating paddy crops for several years and earlier he got patta in Patta No.1336. The settlement 'A' Register also reflects the name of the petitioner. However, the fourth respondent clandestinely got his name entered in the revenue records. On coming to know about the same, the petitioner has lodged a complaint against the fourth respondent and the same was forwarded to the second respondent to conduct an enquiry. The second respondent, after conducting an enquiry, passed the order dated 11.06.2010 directed the third respondent to cancel the patta standing in the name of the fourth respondent and issue patta to the petitioner. Pursuant to which, the fourth respondent filed a suit in O.S.No.1 of 2000 before the District Munsif Court, Tiruvadanai, for permanent injunction, which was dismissed for non-prosecution. Thereafter, an application in I.A.No.511 of 2003 for condoning the delay of 73 days seeking restoration of the suit and the same was dismissed. Against which, civil revision petition was filed before this Court in C.R.P(MD)No.1540 of 2004, which was allowed and there is no order in favour of the fourth respondent. In order to execute the order of the



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second respondent, the petitioner sent a detailed representation to the third respondent. However, the third respondent, without considering the petitioner's case, has cancelled the patta issued in favour of the petitioner. Therefore, aggrieved by the said order, the petitioner is before this Court.

5.Today when the matter was called, the learned Additional Government Pleader appearing for the respondents 1 to 3 had informed this Court that the suit in O.S.No.1 of 2000 filed for declaration and for permanent injunction, which has been restored and the same has been decreed in favour of the fourth respondent, by judgment and decree dated 28.03.2018. The civil Court has declared the title of the fourth respondent to the property, which is the subject matter of the present writ petition.

6.In view of the same, the impugned order cannot be faulted. Therefore, this writ petition stands dismissed. However, the same shall be subject to the outcome of the appeal if any that is filed by the petitioner's herein, challenging the judgment and decree passed in O.S.No.1 of 2000.



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No costs. Consequently, the connected miscellaneous petition is also closed.

03.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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