



W.P.(MD) No.7411 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.7411 of 2023

M.Nagarajan

.. Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District.
- 2.The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi Division,
Ramanathapuram District.
- 4.The Tahsildar,
Kamuthi Taluk,
Ramanathapuram District.
- 5.The Board Secretary,
Chennai State Village Khadi Industries,
Kuralagam, Chennai-108.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the fourth respondent to change the Patta No.11866 in S.No.104/1A Kamuthi,



W.P.(MD) No.7411 of 2023

Narayanapuram Village Panchayat from fifth respondent to writ petitioner till the disposal of revision pending before District Revenue Officer in Na.Ka.B11/16486/2022.

For Petitioner : Ms.A.Bhuvaneswari

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

This writ petition is filed for the following relief:

“For the reason stated in accompanying affidavit it is prayed that this Hon'ble Court may be pleased to sought for issue a Writ of Mandamus Mandamus direct to 4th respondent to change the Patta No. 11866 in S.No. 104/1A Kamuthi, Narayanapuram Village Panchayat from 5th respondent to writ petitioner till the disposal of revision pending before District Revenue Officer in Na.Ka.B11/16486/2022 and pass any further or other orders as this Hon'ble Court may deem fit to the facts and circumstances of the case and thus render justice.”



W.P.(MD) No.7411 of 2023

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2. It is the case of the petitioner that an extent of 99 cents in Kamuthi Village in S.No.104/1A belonged to the writ petitioner and his predecessors, who have been enjoying it for the last 50 years. In the year 1983, the petitioner's father had executed an unregistered gift deed in favour of the petitioner and thereafter, the petitioner has been in enjoyment of the said property. The petitioner would submit that he has been in continuous enjoyment of the property as its absolute owner by mortgaging the same without any hindrance or obstruction.

3. While so, one Thiagarajan had filed a civil suit in O.S.No.61 of 2018 against the petitioner before the Sub-Court, Muthukulathur seeking a relief of declaration that the property belonged to him and to defendants 2 to 7 therein and for a recovery of possession from the petitioner herein. This suit was dismissed by order dated 03.02.2021 on the ground that no steps have been taken. Without restoring the suit, the said Thiagarajan had filed an application before the second respondent-District Revenue Officer, Ramanathapuram, to cancel the UDR mistake.



W.P.(MD) No.7411 of 2023

This petition was dismissed. Meanwhile, the Assistant Director, Madurai Khadi Village Industries filed an application before the third respondent- Revenue Divisional Officer, Ramanathapuram to cancel the patta in favour of the petitioner. The Revenue Divisional Officer had allowed the application and had cancelled the patta standing in the name of the writ petitioner and issued the same in favour of the fifth respondent. The writ petitioner therefore, preferred a revision before the District Revenue Officer, Ramanathapuram and this revision filed on 18.03.2023 is still pending before the District Revenue Officer without any orders being passed.

4. Though the petitioner seeks a direction upon the fourth respondent to change the patta from the fifth respondent's name to his name, learned counsel for the petitioner submits that it would be suffice if a direction is issued to the second respondent to pass orders on the revision filed by the petitioner.

5 . Heard the learned counsel on either side.



W.P.(MD) No.7411 of 2023

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6. Considering the limited request sought for by the learned counsel for the petitioner, a mandamus is issued to the second respondent to dispose of the petitioner's revision and pass orders within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is allowed. No costs.

21.10.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

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W.P.(MD) No.7411 of 2023

P.T.ASHA, J.

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5.The Board Secretary,
Chennai State Village Khadi Industries,
Kuralagam, Chennai-108.

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