



W.P(MD)No.15605 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15605 of 2022

S.Chandra

... Petitioner

Vs.

1.The District Revenue Officer,
Madurai.

2.The Revenue Divisional Officer,
Having office at Collectorate,
Madurai.

3.The Tahsildar,
Madurai West,
Madurai.

4.The Commissioner,
Madurai Municipal Corporation,
Madurai.

5.N.Srinivasan

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 3rd respondent



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in his proceedings Na.Ka.No.3323/2021/B dated 10.12.2021 and quash the same as illegal and consequently to direct the third respondent to grant patta in respect of Easter side of Plot No.14 admeasuring an extent of 1204 sq.ft Comprising in Survey No. 111/3B2, Ponmeni Village, Madurai South Taluk (now West Taluk) Madurai.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.A.Kannan
Additional Government Pleader
for R.1 to R.3

Mr.K.K.Kannan for R.4

Mr.K.Muralidharan for R.5

ORDER

Heard both sides.

2.Thiru.K.Muralidharan, learned counsel appearing for the fifth respondent on instructions states that the fifth respondent appears to have passed away.

3.The petitioner states that she has no claim against the fifth respondent, she is only interested in getting patta for her land.



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4.The petitioner's request for issuance of patta was negatived on the ground that she was not willing for issuance of patta for a lesser extent. Challenging the said memorandum dated 10.12.2021 issued by the Tahsildar, Madurai West, the present writ petition came to be filed.

5.When the matter was taken up for hearing, the official respondents took the stand that on the eastern side of the petitioner's plot 10 feet lane is running and that the petitioner is refusing to concede its actual width.

6.The petitioner accepts that a 5 feet lane is running on the eastern side and not 10 feet lane. When I called upon the official respondents to substantiate their stand, they relied on Town Survey Map as well as TSLR extract. When I specifically put a question as to when they were prepared, it is fairly admitted they were prepared in the year 2006. The petitioner had purchased her land on 10.03.2003. Her vendor purchased the property on 25.03.1994. Therefore, on the strength of a subsequently prepared official record, the petitioner's rights cannot be taken away. In fact, the learned counsel appearing for the petitioner would state that when she purchased the property, the eastern boundary was the land sold



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by one Sekkappan. The said Sekkappan had left 5 feet. There is nothing on record to show that a 10 feet lane was actually gifted in favour of the local body.

7.In these circumstances, the authorities are not justified in insisting that the petitioner must agree to leave out 10 feet of land in her property. In this view of the matter, the impugned memorandum is set aside. The matter is remitted to the file of the third respondent. The third respondent will issue patta in favour of the petitioner by taking note of the existing 5 feet lane running between the petitioner's Plot No.14 and Sekkapan plot. This shall be done within a period of eight weeks from the date of receipt of a copy of this order.

8.This writ petition is allowed on these terms. There shall be no order as to costs.

12.03.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA



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G.R.SWAMINATHAN, J.

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