



W.P(MD)Nos.17489 & 17490 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.17489 & 17490 of 2020

W.P(MD)No.17489 of 2020:

A.Saravana

... Petitioner

Vs.

1.The District Revenue Officer,
Tiruchirappalli District.

2.The Revenue Divisional Officer,
Lalgudi,
Tiruchirappalli District.

3.The Tahsildar,
Lalgudi Taluk,
Tiruchirappalli District.

... 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 pertaining to the order passed by the second respondent in his proceedings in Pa.Mu.A2-57-2017 dated 30.06.2019 and quash the same



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and consequently direct the respondents to inspect the land in Survey No. 33/19A2 measuring about 4 cents in Pullambadi Village, Lalgudi Taluk, Trichy District.

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.T.Villavankothai
Additional Government Pleader

W.P(MD)No.17490 of 2020:

S.Arumugam (Died)

1.Dhanalakshmi

2.Umadevi

3.Anandhi

4.Vivekanandan

5.Saravana

***(P.1 to P.5 are suo motu substituted
vide order of this Court dated 12.01.2024.)***

... Petitioners

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... 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 pertaining to the order passed by the second respondent in his proceedings in Pa.Mu.A2-57-2017 dated 30.06.2019 and quash the same and consequently direct the respondents to inspect the land in Survey No. 33/19A1 measuring about 4 cents in Pullambadi Village, Lalgudi Taluk, Trichy District.

For Petitioners : Mr.V.Panneer Selvam

For Respondents : Mr.T.Villavankothai
Additional Government Pleader

COMMON ORDER

Heard both sides.

2.The case on hand pertains to the property originally comprised in Survey No.399/19, Pullambadi Village, Lalgudi Taluk. The detailed list



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of joint pattadhars and inamdhars in the said village prepared prior to UDR has been made available. It is seen there from that 22 cents of land comprised in Survey No.399/19 stood in the name of Arunachallathudaiyar. The said Arunachallathudaiyar had three sons, namely, Ponnusamy, Kanthasamy and Sinnu. There was partition among them. Ponnusamy and Kanthasamy were allotted 7 cents each while Sinnu got 8 cents. Sinnu was blessed with 2 sons, namely, Subbu and Arumugam (Petitioner in W.P(MD)No.17490 of 2020). Subbu and Arumugam were allotted 4 cents each vide partition deed dated 27.10.1955. Subbu sold his 4 cents of land in favour of one Minthiri Ammal. The said Minthiri Ammal sold 4 cents in favour of Saravanan, S/o.Arumugam on 13.02.1990. The grievance of the petitioners is that patta issued in their favour is not for 4 cents but for lesser extent. The stand of the authorities is that during natham settlement proceedings, a pathway appears to have been carved out and it is running across the petition mentioned survey number and that is why the extent of lands belonging to the petitioners got reduced. Challenging the stand of the respondents, the present writ petition came to be filed.



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3.The learned counsel appearing for the petitioners fairly stated that Arumugam filed O.S.No.299 of 2008 on the file of District Munsif Court, Lalgudi seeking relief of permanent injunction and that the same was dismissed. The first appeal was also subsequently dismissed. The question that calls for consideration is whether on account of loss suffered by Arumugam in civil suit, the present writ petitions deserve to be dismissed.

4.I went through the contents of the judgment. The judgment went against Arumugam because he was not in a position to demonstrate the exact extent of the suit property. The issue does not appear to have been decided on merits. In any event, only private persons were shown as defendant in the suit. Neither the Government nor the revenue authorities were parties to the suit.

5.The petitioners have convincingly shown that their forefather Arunachathudaiyar was entitled to 22 cents of land. Subsequently partition had taken place among the family members twice. Therefore, a simple mathematical calculation indicate that Saravanan should have



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been given patta for 4 cents and Arumugam should have been given patta for 4 cents. Even according to the respondents, the revenue record does not indicate the existence of any pathway through the petition mentioned lands.

6.I therefore direct the Tahsildar, Lalgudi Taluk to issue patta as prayed for. In other words, the patta in favour of Saravanan in respect of subject matter of W.P(MD)No.17489 of 2020 for an extent of 4 cents. Joint patta is issued in favour of the legal heirs of Arumugam in respect of the land that is the subject matter in W.P(MD)No.17489 of 2020 for an extent of 4 cents. They shall be issued by the Tahsildar, Lalgudi Taluk within a period of twelve weeks from the date of receipt of a copy of this order. I make it clear that issuance of patta will not have any bearing on the rights of third parties. I have to make this observation and enter this caveat because Arumugam had lost the injunction suit filed by him and his first appeal had also been dismissed. The learned counsel appearing for the petitioners states that S.A(MD)No. 196 of 2022 has already been filed and it is pending before this Court. The rights of the respondents in the said second appeal will



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not be affected by issuance of patta in favour of the petitioners herein.

The petitioners herein shall inform the respondents in the said second appeal about passing of this order. The petitioners shall send letter under RPAD. Copy of the notice along with AD card shall be submitted by the petitioners before the third respondent. Thereafter, the petitioners shall enclose the copy of this order along with their letter. Thereafter, the third respondent shall issue patta to the petitioners herein as directed within eight weeks thereafter.

7. These writ petitions are allowed accordingly. There shall be no order as to costs.

12.01.2024

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

To

1. The District Revenue Officer,
Tiruchirappalli District.

2. The Revenue Divisional Officer,
Lalgudi,
Tiruchirappalli District.

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G.R.SWAMINATHAN, J.

MGA

3.The Tahsildar,
Lalgudi Taluk,
Tiruchirappalli District.

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