



W.P.(MD) No.18876 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.18876 of 2024

Mathiazhagan

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep., by its Commissioner of Land Administration,
Chepauk, Chennai.
- 2.The District Collector,
Thanjavur District,
Thanjavur.
- 3.The District Revenue Officer,
Thanjavur.
- 4.The Revenue Divisional Officer,
Thanjavur.
- 5.The Tahsildar,
Thanjavur Taluk,
Thanjavur District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents particularly the third respondent to consider the representation of the



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petitioner in terms of order of this Court passed in W.P.(MD)No.17724 of 2019 dated 13.08.2019 for grant of patta for S.No.228/4 measuring 1 Acre 40 cents of Melaveli Village, Thanjavur Taluk and District.

For Petitioner : Mr.N.Balakrishnan

For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The petitioner has filed this writ petition for a mandamus to the third respondent to consider his representation dated 06.04.2024 in terms of the order of this Court dated 13.08.2019 passed in W.P.(MD) No. 17724 of 2019 for grant of patta for S.No.228/4 measuring 1 Acre 40 cents of Melaveli Village, Thanjavur Taluk, Thanjavur District.

2. The case of the petitioner is that an extent of 1 Acre 40 cents in the aforesaid survey number originally belonged to Muthusamy Vellar. After his demise, his wife Ammakannu and only daughter Meenambal have sold the subject property in favour of Neelambal under a registered sale deed dated 18.05.1980. Since Neelambal failed to obtain patta, the



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subject property was recorded in the revenue records as “Anathinam”.

The petitioner would submit that the entry “Anathinam” would not take away the right of Neelambal and the same does not mean the subject property is a poramboke land belonging to the Government. Neelambal filed a suit in O.S.No.222 of 2003 for declaration and permanent injunction, besides mandatory injunction to record her name as Pattadhar in the revenue records. The learned District Munsif, Thanjavur, by his judgment and decree dated 13.12.2005, granted decree for permanent injunction. However, declined the relief of declaration and mandatory injunction. Challenging the same, she filed A.S.No.37 of 2006. The learned Additional District Judge, Thanjavur, by his judgment and decree dated 13.07.2009 granted the relief of declaration. However, declined to grant mandatory injunction. The judgment in A.S.No.37 of 2006 has become final, as there was no appeal filed challenging the same. Thereafter, on 04.12.2011, Neelambal died leaving behind a registered Will dated 24.02.2009 in favour of her grandson viz., the petitioner. As a legatee under the Will, the petitioner filed W.P.(MD) No.7304 of 2019 to issue mandamus to respondents 2 to 4 herein to issue patta for the subject



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property on the basis of the civil Court decrees. The said writ petition was opposed by the learned Additional Government Pleader stating that the request of the petitioner cannot be complied and this Court disposed of the writ petition directing the fifth respondent-Tahsildar, Thanjavur to communicate the decision to the petitioner with a further direction to the petitioner to work out his remedy as per law. The fifth respondent by his order dated 12.06.2019, rejected the request of the petitioner, which was challenged in W.P.(MD) No.17724 of 2019. The said writ petition came to be disposed of *vide* order of this Court dated 13.08.2019 by quashing the order of the Tahsildar, Thanjavur dated 12.06.2019. This Court also remitted the matter back to the fifth respondent for reconsideration. Thereafter, the petitioner has approached the fifth respondent who heard the petitioner. The fifth respondent, in turn, placed the papers before the fourth respondent. The fourth respondent passed order directing the fifth respondent to submit fresh report.

3. It is the contention of the petitioner that the order of the fourth respondent is in breach of the order of this Court dated 13.08.2019 in



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W.P.(MD) No.17724 of 2019. In this regard, the petitioner has sent a representation dated 06.04.2024 to consider his claim as per the directions of this Court. Since no action has been taken, the petitioner is before this Court.

4. Heard the learned counsel on either side.

5. Considering the limited request of the petitioner and also the fact that the representation is dated 06.04.2024, this Writ Petition is allowed and a mandamus is issued to the third respondent to consider the petitioner's representation dated 06.04.2024 and pass orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

12.08.2024

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

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P.T.ASHA, J.

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