



W.P.(MD) No.6260 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.6260 of 2018

Mani

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli.

2.The Tahsildar,
Thuraiyur,
Tiruchirappalli District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the proceedings in மு.மு.அ1/2090/2017, dated 12.02.2018 on the file of the 2nd respondent and quash the same as arbitrary, illegal, and without jurisdiction and also in violation of the binding judgments of the Civil Court and for a direction to 2nd respondent to issue patta in petitioner's name for extent of 15.5 cents in old Survey No.365/1 corresponding new survey No.689/34 in Kannanur Village, Thuraiyur Taluk, Tiruchirappalli District.



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For Petitioner : Mr.H.Lakshmi Shankar
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Despite the orders passed by the Civil Court and the award of the Lok Adalat in an Execution Petition filed by the petitioner herein, the respondents once again reiterating the defence in the suit that the property in question was a Government poramboke, has rejected the petitioner's request for issue of patta.

2. The case of the petitioner is that he has purchased the property in Natham Survey No.365/1 measuring an extent of 1 acre 35.5 cents in Kannanur, Thuraiyur Taluk, Tiruchirappalli District under a registered sale deed, dated 05.03.1991. The petitioner had purchased it from one Kannaiah who in turn purchased under three sale deeds, dated 30.03.1958, 04.05.1966 and 17.11.1970 from Ramamoorthy Iyer and Balagopala Iyer. The petitioner's vendors were in continuous possession of the Natham lands. The petitioner after his purchase was in possession and enjoyment and when the Government authority and other individuals



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attempted to interfere with his possession and enjoyment, the petitioner had filed a suit in O.S.No.129 of 1997 on the file of District Munsif, Thuraiyur for a declaration of title and for a permanent injunction in respect of the property in question. The respondents herein and two private individuals, namely Karuppiah and Sundarraajn were impleaded as defendants. The suit was ultimately decreed by judgment and decree, dated 31.07.2000. An appeal was filed by the respondents herein in A.S.No.70 of 2002 which is also dismissed by the Sub Court, Tiruchirappalli by judgment and decree, dated 06.02.2004.

3. The respondents did not file any further appeal. Thereafter, the petitioner had approached the respondents for issuing patta in his name. Since it was not forthcoming, the petitioner had filed W.P(MD)No.2385 of 2009 before this Court. This Court was pleased to direct the 2nd respondent to consider the representation and pass orders within a period of three months. The same was not done. The petitioner had executed a power of attorney in favour of one Subbiah for an extent of 1 acre 20 cents on 23.12.2011 and the power of attorney had sold the property to



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various persons. The petitioner is now left with 15.5 cents which has been used as an access to the other lands. Once again, the respondents started interfering with his possession and therefore, the petitioner had filed E.P.No.8 of 2015 before the trial Court. The matter was thereafter referred to the Lok Adalat and in Lok Adalat Case No.150 of 2016, on 12.11.2016, an award was passed allowing the application with a direction to the respondents to obey the decree. The petitioner has been giving several representation which have not evoked any results and therefore, once again the petitioner has filed W.P(MD)No.18436 of 2017 which was disposed off by order of this Court, dated 10.10.2017 directing the respondents to consider the representation and pass orders within a period of six weeks. Pursuant to which, the impugned order came to be passed stating that the property has been classified as a காலிநத்தம் கிராமநத்தம் under the category of Arasu Poramboke and the same belongs to the Government. Challenging the same, the petitioner is before this Court.



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4. The order passed by the 2nd respondent, especially on the face of the judgment and decree of the Civil Court which has been passed after a detailed enquiry and after considering the very same defence of the respondents is *per se* contumacious. The respondents are bound by the decree of the Court. The property in question is a natham property and with reference to natham properties, it is time and again held that the person who is in possession of the property is the owner of the lands in question and the Government cannot claim ownership over these lands. The 2nd respondent by passing the impugned order is attempting to overreach the judgment and decree of a Civil Court and giving out that they would not obey the judgment and decree of a Civil Court. Therefore, the impugned order has to be necessarily set aside. Accordingly, the impugned order, dated 12.02.2018 is set aside and the respondents shall ensure that the patta is issued to the petitioner. The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order and report compliance to this Court.



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5. With the above directions, this Writ Petition stands disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

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P.T.ASHA, J.

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