



W.P.(MD) No.19376 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.19376 of 2024

Thanabal

.. Petitioner

Vs.

1.The District Collector,
Trichy District,
Trichy.

2.The District Revenue Officer,
Trichy, Trichy District.

3.The Revenue Divisional Officer,
Srirangam Division,
Vannankovil,
Trichy District.

4.The Tahsildar,
Manapparai Taluk,
Trichy District.

5.Karunamoorthy

6.Thirumoorthy

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 4th respondent to complete the enquiry, cancel the patta in Patta Nos.519 and 520 stands



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in the name of the 5th and 6th respondents and issue patta in the petitioner's name in respect of survey nos. 413/7 and 413/8 with an extent of 6 $\frac{3}{4}$ cents situated at Elamanam Village, Manapparai Taluk, Trichy District.

For Petitioner : Mr.K.Kevinkaran

For R1 – R4 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner seeks a Mandamus to the 4th respondent to complete the enquiry and thereafter, cancel the patta bearing Patta Nos.519 and 520 standing in the name of the 5th and 6th respondents and issue patta in his name in respect of the property measuring an extent of 6 $\frac{3}{4}$ cents comprised in Survey No.413/7 & 413/8 Elamanam village, Manapparai Taluk, Trichy.

2. The case of the petitioner is that the property is his ancestral property. His father and he had constructed a hut and were residing in the said premises for over 25 years. The hut got damaged due to natural calamities and they were residing near the lands. While so, the



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respondents 5 and 6 have trespassed into the petitioner's land and tried to construct a house. The petitioner and his family had objected to the same and had vacated them. However, they had managed to get a patta in their name.

3. In the light of the rival claim, the petitioner had filed a suit in O.S.No.311 of 1995 against the respondents 5 and 6 for permanent injunction and the 5th respondent had filed a suit in O.S.No.313 of 1995 against the petitioner and two others for a declaration and injunction. The suit filed by the petitioner was dismissed and the suit filed by the 5th respondent was decreed. Challenging the same, the petitioner had filed A.S.No.84 and 85 of 2000 on the file of the Sub Court, Trichy. By judgment and decree, dated 16.10.2003, the appellate Court was pleased to confirm the judgment and decree in O.S.No.311 of 1995 (filed by the petitioner) and allowed the appeal in A.S.No.84 of 2000, thereby setting aside the judgment and decree of the trial Court in so far as it related to the relief of declaration. The decree in O.S.No.313 of 2005 in so far as it relates to the relief of injunction was confirmed.



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4. Therefore, the petitioner had submitted a representation to the 3rd respondent to cancel the patta issued in the name of the 5th and 6th respondents and issue patta in the name of the petitioner. However, no action has been taken on the said representation till date.

5. In the light of the above, this writ petition is allowed directing the respondents to consider the representation of the petitioner, dated 22.01.2024 and complete the enquiry after giving notice and hearing the respondents 5 and 6 and pass orders by following due process of law. The said exercise shall be completed within a period of six (6) weeks from the date of receipt of copy of this order.

6. With the above directions, this Writ Petition stands allowed. No costs.

13.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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P.T.ASHA, J.

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