



W.P(MD)No.20122 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.20122 of 2021

and

W.M.P.(MD)Nos.16827, 16828 and 16829 of 2021

Chandra

... Petitioner

Vs.

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

3. The Village Administrative Officer,
Vallanai Group,
Maravamangalam Circle,
Sivagangai Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent dated 19.08.2021 classifying the patta land of the petitioner in Survey Nos.28/1, 28/3 and 29/1 situated in Valanai Group,



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Kalayarkovil Taluk, Sivagangai District, as “Sarkar Punjai/Anadheenam” quash the same and consequently direct the respondents herein to restore the patta No.1153 in the name of petitioner for Survey Nos.28/1, 28/3 and 29/1 situated in Valanai Group, Kalayarkovil Taluk, Sivagangai District.

For Petitioner : Mr.V.S.Kumaraguru

For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

The present Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the second respondent dated 19.08.2021 classifying the writ petitioner's land in Survey Nos.28/1, 28/3 and 29/1 situated in Valanai Group, Kalayarkovil Taluk, Sivagangai District, as “Sarkar Punjai/Anadheenam” and quash the same and consequently direct the respondents to restore the patta No.1153 in the name of the writ petitioner for Survey Nos.28/1, 28/3 and 29/1 situated in Valanai Group, Kalayarkovil Taluk, Sivagangai District.

2. The learned counsel appearing for the writ petitioner would submit that the writ petitioner has earlier filed a suit against the



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respondents 1 and 2 herein in O.S.No.140 of 2005 to declare that the suit property is belonging to her and for permanent injunction restraining the defendants and their men from any manner interfering with the peaceful possession and enjoyment of the suit property, that since the defendants have not filed their written statement, they were called absent and set *ex parte* and subsequently *ex parte* decree came to be passed on 17.01.2006, that thereafter the matter was referred to Lok Adalat and in the Lok Adalat, award came to be passed on 30.07.2016, wherein, the Government authorities have agreed that the suit property is belonging to the writ petitioner and also consented for passing of decree for declaration and for permanent injunction as sought for by the writ petitioner and subsequently, the second respondent has passed the proceedings dated 18.05.2017 granting patta in favour of the writ petitioner, that the authorities, without issuing any notice and without any enquiry while issuing the computer patta, have classified the writ petitioner's property as Government poramboke and that therefore, the writ petitioner was constrained to approach this Court.

3. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents would



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submit that the classification in the computer patta is only a mistake and that the first respondent is the competent authority to correct the mistake.

4. It is pertinent to note that the respondents have not disputed the factum that the property in dispute belongs to the writ petitioner and she has been in possession and enjoyment of the property, which was already confirmed by Lok Adalat award. Since it is a mistake crept in, while issuing the computer patta, the first respondent has to be directed to rectify the mistake. Hence, this Court is inclined to set aside the impugned order dated 19.08.2021 classifying the writ petitioner's land as Sarkar Punjai/Anadheenam and directed the first respondent to rectify the mistake.

5. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

20.03.2024

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



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Sivagangai District.
3. The Village Administrative Officer,
Vallanai Group,
Maravamangalam Circle,
Sivagangai Taluk,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

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Order made in
W.P.(MD)No.20122 of 2021
and
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Dated : 20.03.2024