



W.P.(MD) No.20023 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20023 of 2024

K.Rakku

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Tahsildar,
Kalaiyarkoil Taluk,
Sivagangai District.

4.C.Vellaikkannu

.. Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd respondent to conclude the proceedings in O.Mu.A3/10228/2023 for cancellation of patta for “Poosthuthi Road” in S.No.122/2B2 situate at Monkan Kanmai Village, Kalaiyarkoil Taluk and to fix proper alignment



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of properties of the petitioner and the fourth respondent within the time stipulated by this Court.

For Petitioner	:Mr.J.Anandkumar
For R1 to R3	:Mr.P.Thambidurai, Government Advocate

ORDER

This writ petition is filed for issuance of a writ of Mandamus to direct the second respondent to conclude the proceedings in O.Mu.A3/10228/2023 for cancellation of patta for “Poosthuthi Road” in S.No.122/2B2 situated at Monkan Kanmai Village, Kalaiyarkoil Taluk and to fix proper alignment of properties of the petitioner and the fourth respondent within the time stipulated by this Court.

2.The petitioner would submit that he is the absolute owner of the property measuring an extent of 0.91.50 ares(2 acres 26 cents) in S.No. 122/2 situated at Monkan Kanmai Village, Kalaiyarkoil Taluk, Sivagangai District and he purchased the same for a valuable consideration under a registered sale deed, dated 08.10.1999. The first item of property in the said sale deed is 1 acre 96 cents and the second item is 30 cents. The petitioner would further submit that the said S.No.



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122/2 is subdivided as 122/2A to an extent of 0.91.50 acres(2 acres 26 cents) and also got patta in his name.

3.The fourth respondent had purchased two items of property in S.No.122 from the very same vendor, to an extent of 0.91.50 acres(2 acres 26 cents). The first item is 1 acre 65 cents and the second item is 61 cents. The first item of the sale deed of the fourth respondent is subdivided as 122/2B1 and the second item is subdivided as 122/2B3. As per the revenue records, S.No.122/2B2 is “Poosthuthu Road”. During the subdivision, the respondent has included the “Poosthuthi Road” in S.No. 122/2B2 and issued patta to the fourth respondent for the entire extent.

4.The petitioner would further submit that while the sub-division was being done, the revenue officials have wrongly aligned the property and granted sub-division as 122/2A. The fourth respondent's properties have been described as 122/2B1, 122/2B2 and 122/2B3, including the “Poosthuthi Road”. The said sub-divisions had been made without considering the documents of title in favour of either party. Therefore,



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the petitioner had made a detailed representation, dated 11.04.2022 to the first respondent, who has forwarded to the third respondent. However, no action has been taken so far. He made another representation to the first respondent and the same was acknowledged by him. The second respondent, by his proceedings dated O.Mu.A3/10228/2023, forwarded the same to the Tahsildar, Manamadurai to submit his report. Whereas, the jurisdictional Tahsildar is Tahsildar, Kalaiyarkoil. The petitioner would submit that in his old age, he was made to run from pillar to post without any reasons. Therefore, the present writ petition is filed.

5.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 ro 3.

6.Taking into account the fact that admittedly the petitioner's sale deed and the fourth respondent's sale deed have not been properly appreciated before the sub-division has been effected, a mandamus is issued to the second respondent to conclude the proceedings in O.Mu.A3/10228/2023 for cancellation of patta for Poosthuthi Road” in



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S.No.122/2B2 situated at Monkan Kanmai Village, Kalaiyarkoil Taluk and to fix proper alignment of properties, after issuing notice to the interested persons if any, within a period of six weeks from the date of receipt of a copy of this order and after considering the respective documents of title.

7.With the above direction, this Writ Petition stands allowed. No costs.

22.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

To

1.The District Collector,
Sivagangai District.

2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

3.The Tahsildar,
Kalaiyarkoil Taluk,
Sivagangai District.



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P.T.ASHA, J.
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