



WP.(MD)No.20947 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM

THE HONOURABLE **MS.JUSTICE P.T.ASHA**

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M.Natarajan

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Sivagangai, Sivagangai District.
- 2.The District Revenue Officer,
Office of the Distirct Revenue Officer,
Sivagangai District, Sivagangai.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai District, Sivagangai.
- 4.The Tahsildar,
Suivagangai Taluk Office,
Sivagangai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus, to direct the respondents herein to transfer the patta in the name of the petitioner in respect of the property comprised in Old S.No. 108/4, New S.No. 108/4A and 108/4B of an extent of 34 cents situated at Idayamelur Village, Sivagangai Taluk and District, based on the Judgment and decree passed by the learned



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District Munsif Court, Sivagangai made in O.S.No.37 of 2002 dated 21.03.2003 and by considering the representation of the petitioner dated 21.02.2024 within the time stipulated by this Court.

For Petitioner : Mr.C.Gangai Amaran

For Respondents : Mr.B.Saravanan,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking Mandamus to the respondents to transfer the patta in respect of the property in Old S.No. 108/4, New S.No. 108/4A and 108/4B measuring 34 cents situated at Idayamelur Village, Sivagangai Taluk and District.

2.It is the contention of the petitioner that the above lands, which originally measured an extent of 1 acre and 22 cents belonged to one Muthumadan and Muthaiah Pillai. Thereafter, the property devolved on Sevarangiri, son of Muthumada Pillai. He had executed and registered a power of attorney in favour of the petitioner's mother for maintaining the said property on 01.08.2002 under a registered power deed and since then, it was the petitioner's mother, who was managing the property. The respondents were interfering the with the peaceful possession of the



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property by making sub division in respect of the property comprised in S.No.108/4 measuring 1 acre 56 cents, without issuing any notice to the interested parties and the property was sub divided as 108/4A and 108/4B to an extent 1 acre 22 cents. On coming to know about the sub division, the petitioner's mother had filed a suit before the District Munsif Court, Sivagangai in O.S.No.37 of 2002 for declaration that the property belonged to her and not to interfere in the peaceful possession and enjoyment of the property. The learned District Munsif decreed the suit in favour of Sevarangiri and his power of attorney, ie., the petitioner's mother and no appeal has been filed challenging the same. After the decree in O.S.No.37 of 2002, the petitioner's mother sold the property to the petitioner under a registered sale deed dated 25.04.2008 for valuable consideration, which is paid to the owner Sevarangiri.

3.The Divisional Engineer, Highways Department without initiating acquisition proceedings, was attempting to take away the portion of the petitioner's property for laying highway road. They were taking advantage of the wrong entry, which crept during UDR survey. A complaint was made by one Vasanthi stating that the petitioner had encroached into the road and Divisional Engineer with the assistance of



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the Junior Engineer of the Highway Department, had conducted a detailed inspection and after perusing the documentary evidence, which included the decree of the civil Court, submitted a report stating that there was no encroachment. In this background, the petitioner had sent a detailed representation to the respondents on 21.02.2024 requesting for transfer of patta by removing the wrong entry showing the property as road prompoko on the basis of the civil decree.

4.In the light of the above and taking note of the fact that the representation has been given on 21.02.2024 and as the petitioner's title has been declared in O.S.No.37 of 2002, in which, the fourth respondent and the Divisional Engineer are defendants in the said suit, the fourth respondent shall dispose of the representation of the petitioner by taking note of documents and the judgment and decree of the civil Court and shall pass orders, within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is allowed. No costs.

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Index:Yes/No
Internet:Yes/No
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P.T.ASHA,J.

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