



W.P.(MD) No.21700 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21700 of 2024

and

W.M.P(MD)No.18328 of 2024

Vanjiappan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Palani Division,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.Periyaramasamy

4.Vanjammal

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 1st respondent in his proceedings Mu.Mu.No.4779/2023/A1, dated 27.07.2024 and quash the same as illegal and consequently direct the 2nd respondent to grant



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patta for the land comprised in Survey No.11/2A, 11/2B, 11/2F1, 11/2D, 22/3C, 20/2C1, 20/2C3, 11/3A, 11/3B, 11/3C1, 11/3C2, 11/2G and 11/2H situated at Mandavadi Village, Oddanchatram Taluk, Dindigul District.

For Petitioner : Mr.B.Ramnath

For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner has approached this Court to quash the order passed by the 1st respondent in his proceedings bearing Mu.Mu.No. 4779/2023/A1, dated 27.07.2024 as illegal and consequently direct the 2nd respondent to grant patta in respect of the land comprised in Survey No.11/2A, 11/2B, 11/2F1, 11/2D, 22/3C, 20/2C1, 20/2C3, 11/3A, 11/3B, 11/3C1, 11/3C2, 11/2G and 11/2H situated at Mandavadi Village, Oddanchatram Taluk, Dindigul District.

2. It is the case of the petitioner that he is the owner of an extent of 0.4 acres in Survey No.20/2C1 of Mandavadi Village, Oddanchatram Taluk, Dindigul District. The 4th respondent had filed a suit against the petitioner and 3 others in O.S.No.31 of 2008 before the District Munsif,



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Oddanchatram seeking a declaration that he is the absolute owner of the suit schedule property. The suit was allowed as prayed for. Against which, the petitioner had preferred A.S.No.59 of 2009 on the file of the Sub Court, Palani and the same has been dismissed. This judgment and decree was taken up on second appeal before this Court by the petitioner in S.A(MD)No.764 of 2011. Pending second appeal, the petitioner and the 4th respondent had settled the matter and a joint compromise memo was filed and the judgment on the basis of the compromise was passed on 26.04.2019.

3. Based on the compromise decree, the petitioner had made an application to the 1st respondent for issuance of patta on 12.07.2024. On receiving the said application, the 1st respondent had directed the 2nd respondent to conduct an enquiry and submit a report. Meanwhile, the 3rd respondent herein had filed a suit in O.S.No.49 of 2023 against the 4th respondent and others and the 1st respondent has rejected the application of the petitioner. Challenging the same, the petitioner is before this Court.



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4. Heard the learned counsel on either side.

5. A perusal of O.S.No.49 of 2023 would show that the suit has not been filed against the petitioner herein, but has been filed against the 4th respondent, one Jeyakumar, one Karthick and the official respondents. The suit is filed with reference to the property comprised in Survey No. 21/2 which is not the property, in respect of which the petitioner had filed a representation. That apart, even assuming that the suit is filed, the relief claimed for damages and to declare the sale deed executed between the defendants 7 to 9 as null and void, the reason for rejecting the request of the petitioner appears to be illegal.

6. In view of the above, the impugned order passed by the 1st respondent, dated 27.07.2024 is set aside and the respondents 1 and 2 are directed to consider the representation of the petitioner afresh and pass orders after issuing notice to all the parties concerned and affording them an opportunity of personal hearing. The said exercise shall be completed



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within a period of eight (8) weeks from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

12.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1.The Revenue Divisional Officer,
Palani Division,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.



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P.T.ASHA, J.

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