



W.P.(MD) No.21456 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.21456 of 2024

AR.S.AR.Arunachalam

.. Petitioner

Vs.

1.The Director of Land and Survey
and Revenue Administration,
Chepauk,
Chennai.

2.The District Collector,
Madurai.

3.The Commissioner,
Madurai Corporation, Madurai.

4.The Assistant Settlement Officer,
Madurai.

5.The Revenue Divisional Officer,
Madurai.

6.The Tahsildar,
Madurai North,
Madurai.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents 4 to 6 to issue patta in favour of the petitioner for his land measuring about 12 cent 273 sq.ft., comprised in Town Survey Field No.1(Corresponding Survey No.23/39) situated in Bibikulam Village, Madurai North Taluk, Madurai, by considering the representation dated 09.08.2024 within the time stipulated by this Court.

For Petitioner	:Mr.P.Ganapathi Subramanian
For R1,R2,R4&R6	:Mr.D.S.Nedunchezian, Government Advocate
For R3	:Mr.S.Vinayak, Standing Counsel

ORDER

This writ petition is filed for a mandamus to direct the respondents 4 to 6 to issue patta in favour of the petitioner for his land measuring about 12 cent 273 sq.ft., comprised in Town Survey Field No. 1(Corresponding Survey No.23/39) situated in Bibikulam Village, Madurai North Taluk, Madurai, by considering the representation dated 09.08.2024 within the time stipulated by this Court.



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2.The case of the petitioner is that the larger extent of the aforesaid property measuring 1 acre belonged to one Mohamed Ismail, who sold the aforesaid property to an extent of 12 cents 273 sq.ft., to one Edward Gnanaiah under a registered sale deed dated 09.03.1945, who in turn sold the the said property under a registered sale deed, dated 19.10.1961 to the petitioner's father's vendor viz., Sangaralinga Nadar. The said Sangaralinga Nadar was in possession and enjoyment of the said property, before the date of notification under the Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act 1965. He had applied for patta and the Additional Collector, Madurai, had assigned the land by order dated 03.12.1977 in favour of the said Sangaralinga Nadar and directed the Tahsildar to subdivide the same and issue patta. Thereafter, the Tahsildhar had also issued patta No.1792 in favour of the said Sangaralinga Nadar and the revenue records were accordingly mutated.

3.The said Sangaralinga Nadar had bequeathed the property under a Will dated 06.10.1978 in favour of his son viz., K.S.Rajasekaran. The said Sangaralinga Nadar died on 04.04.1979 and thereafter, the said



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Rajasekaran had sold the property to the petitioner under a registered sale deed, dated 22.10.1999. The petitioner has been paying the land revenue in respect of the property. However, now without any notice to the petitioner and without conducting an enquiry, the said land has been converted as a poramboke and the Commissioner, Madurai Corporation, shown as its owner. The petitioner made a representation on 09.08.2024 to correct the said entry. The same has not been taken up and therefore, the present writ petition is filed.

4. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondent Nos.1,2,4 and 6 and the learned Standing Counsel appearing for the third respondent.

5. Considering the request of the petitioner and also the fact that the reclassification of the land has been made without notice to the registered pattadar and also taking into consideration that the petitioner has made his representations as early as in August, 2024, a mandamus is issued to the respondents to issue notice to the petitioner as well as the



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Commissioner, Madurai Corporation and after hearing the parties and affording an opportunity to submit all the relevant documents and pass orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

10.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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To

1. The Director of Land and Survey
and Revenue Administration,
Chepauk,
Chennai.
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Madurai.
3. The Assistant Settlement Officer,
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4. The Tahsildar,
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P.T.ASHA, J.

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