



W.P(MD)No.24180 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24180 of 2024 and
WMP(MD) No.20587 of 2024

Mariya Sengol

... Petitioner

Vs

- 1.The Revenue Divisional Officer,
Devakottai,
Sivagangai.
- 2.The Tahsildar,
Karaikudi,
Sivagangai.
- 3.The Special Tahsildar,
Land Acquisition (Nh-226 and 210),
Sivagangai.
- 4.The Joint - II Sub – Registrar,
Karaikudi,
Sivagangai.
- 5.The Superintendent of Police,
Sivagangai.



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6. The Inspector of Police,
Kundrakudi Police Station,
Karaikudi
Sub-Division,
Sivagangai.

7. B.Ramachandran
8. Muniyandi
9. Bairoja

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd Respondents to cancel the Patta No.7948, 8288 and 9125 issued by the 2nd Respondent, which belongs to the 3rd Respondent/National Highways based on the requisition made by the second Respondent in proceedings No.Na.Ka.B2/144/2024 dated 12.01.2024 and consequently directing the 5th Respondent to consider the complaint made by the petitioner dated 03.09.2024, within time stipulated by this Court.

For Petitioner	: Mr.RM.Arun Swaminathan
For R1 to R4	: Mr.D.S.Nedunchezian Government Advocate
For R5 & R6	: Mr.K.Gnanasekaran Government Advocate
For R7	: Mr.S.Bageerathan



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ORDER

This writ petition is filed for a Mandamus, directing the Revenue Divisional Officer, Devakottai and the Tahsildar, Karaikudi, to cancel the Patta No.7948, 8288 and 9125, which belongs to the third respondent/National Highways, based on the requisition made by the second Respondent in proceedings No.Na.Ka.B2/144/2024 dated 12.01.2024 and consequently direct the Superintendent of Police, Sivagangai, to consider the complaint of the petitioner dated 03.09.2024, within the time stipulated by this Court.

2.The case of the petitioner is that the petitioner has purchased a plot No.149, Old S.No.301/2,3,4, Thiruvelangudi Taluk, Karaikudi, Sivagangai from one Valliyammal, vide sale deed No. 316/2020, on 22.01.2020. There are totally 169 plots. The Tahsildar, Karaikudi/the second respondent has also issued a patta in favour of the petitioner in Patta No.4140 on 22.01.2020. According to the petitioner, Plot No.150 was acquired by the Government for laying a



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road between Trichy and Rameshwaram, by an award in 38/2011-2012, dated 10.11.2012. After acquisition, one Bairoja/the ninth respondent has sold the same Plot No.150 to one Muniyandi/the eighth respondent herein. The learned counsel for the petitioner has relied on the proceedings of the second respondent/Tahsildar, dated 12.01.2024 and submits that the Tahsildar has recommended for cancelling the patta, which stands in the name of Bairoja for the property acquired by the Government. However, the first respondent has not taken any action on the recommendation of the Tahsildar, dated 12.01.2024 and in the meantime, the very same Tahsildar, who has made recommendations to cancel the patta is issuing patta to another person, by his proceedings, dated 12.01.2024.

3.Considering the serious allegations made by the learned counsel for the petitioner, this Court, by order, dated 16.10.2024, directed the learned Government Advocate to get written instructions from the Sub Collector, Devakottai. The learned



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Government Advocate has also produced written instructions in Na.Ka.A1/447/2024, dated 16.10.2024 and submits that based on the recommendation of the Tahsildar, dated 12.01.2024, an enquiry has been conducted and it is still pending. He further submits that the subsequent issuance of patta is due to the technical glitches that they have failed to block the entries, pursuant to the recommendation, dated 12.01.2024. After thorough verification and on completion of enquiry, necessary orders would be passed within a period of four weeks.

4.Recording the written instructions of the Sub Collector, Devakottai, this writ petition is disposed of with a direction to the Sub Collector, Devakottai to conclude the enquiry and take a decision within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

17.10.2024

NCC :Yes/No



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Index : Yes

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To

- 1.The Sub Collector, Devakottai
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Sivagangai.
- 4.The Special Tahsildar,
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