



W.P.(MD) No.22254 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22254 of 2024
and
W.M.P(MD)No.18806 of 2024

Saravanan

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Illuppur Post and Taluk,
Pudukkottai District.

2.The Tahsildar,
Illuppur Post and Taluk,
Pudukkottai District.

3.The Taluk Surveyor,
Illuppur Post and Taluk,
Pudukkottai District.

4.Mr.Suryaprabhu
5.Paramasivam
6.Yogavathy
7.Selvarani

.. Respondents



W.P.(MD) No.22254 of 2024

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the record of the 2nd respondent in Na.Ka.No.5703/2024/A6 dated 03.09.2024 and quash the same as illegal and arbitrary and in consequence thereof direct the 2nd respondent to measure the property comprised in S.No.91/13 – 0.32.50 ares of Ennai Village, Illupur Taluk and Pudukkottai District.

For Petitioner : Mr.P.Ganapathi Subramanian
For R1 to R3 : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed challenging the order passed by the second respondent dated 03.09.2024 in Na.Ka.No.5703/2024/A6 and to quash the same and consequently, direct the second respondent to measure the property comprised in S.No.91/13 measuring an extent of 0.32.50 ares of Ennai Village, Illupur Taluk and Pudukkottai District.

2.The case of the petitioner is that the aforesaid property was assigned to the petitioner's mother viz., Vellaiammal by the proceedings of the second respondent dated 15.11.2006. From the date of assignment the petitioner's mother was in possession and enjoyment of the same. The said Vellaiammal died on 16.05.2018 intestate, leaving behind her



W.P.(MD) No.22254 of 2024

husband, her son/the writ petitioner and three daughters as her legal heirs. Out of three sisters, two sisters are married and the eldest sister is living with him. The fourth respondent is working as the Tahsildar of Illupur, the second respondent herein and since the fifth respondent is a close friend of the fourth respondent, he has influenced the fourth respondent and cancelled the patta in favour of the petitioner's mother.

3.In the second week of July 2024, the respondents 5 to 7 cut the trees in the petitioner's patta land, for which, a complaint was lodged before the Inspector of Police, Illuppur Police Station and the police warned the respondents 5 to 7 not to interfere with the petitioner's possession and enjoyment of the land in S.No.91/13 and the said petition was also forwarded to the Deputy Superintendent of Police, Illuppur.

4.The petitioner further submitted that apprehending the encroachment by the fourth respondent, he had submitted an online application to the second respondent to measure and fix the boundaries for his properties and had also paid necessary fees for the same. Since



W.P.(MD) No.22254 of 2024

the second and third respondents were not coming forward to survey and adopted the delay tactics, the petitioner appears to have filed a writ petition in W.P(MD)No.18581 of 2024. This Court, by order dated 05.08.2024, directed the respondents to survey the land and fix the boundaries within a period of six weeks.

5.After the said order was passed by this Court, the sixth respondent, who is none other than the sister's of the fifth respondent, submitted an application to the second respondent to cancel the patta issued in favour of the petitioner's mother. The respondent instead of complying with the order of this Court in W.P(MD)No.18581 of 2024, entertained the application of the sixth respondent and passed the impugned order that has been challenged in the writ petition. In the meanwhile, the petitioner has also instituted a civil suit in O.S.No.131 of 2024 on the file of the Subordinate Court, Keeranur, against the respondents 2, 3, 7 and her husband. The respondents have failed to appreciate that the second respondent overlooked the fact that the seventh respondent has no right over the property in S.No.91/13 and



W.P.(MD) No.22254 of 2024

ought to have surveyed and measured the property. However, on the contrary, instructions have been issued by the second respondent to the first respondent to cancel the patta issued in favour of the petitioner's mother.

6.Admittedly the suit filed by the petitioner for declaration is pending and since there is a serious dispute of title, the writ petition is disposed of with the direction to the parties to contest the suit and after obtaining orders there to renew their request to the revenue authorities. It is also made clear that till the disposal of the suit no survey or demarcation in respect of the property shall be undertaken and neither shall the respondent cancel the patta or grant patta to the seventh respondent.

7.With the above direction, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes



WEB COPY



W.P.(MD) No.22254 of 2024

P.T.ASHA, J.

Ns

To

1.The Revenue Divisional Officer,
Illupur Post and Taluk,
Pudukkottai District.

2.The Tahsildar,
Illuppur Post and Taluk,
Pudukkottai District.

3.The Taluk Surveyor,
Illuppur Post and Taluk,
Pudukkottai District.

W.P.(MD) No.22254 of 2024
and
W.M.P(MD)No.18806 of 2024

19.09.2024