



W.P.(MD) No.23177 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23177 of 2024

M.Ramachandran

.. Petitioner

Vs.

1.The District Collector,
Madurai Collectorate Building,
Madurai-625 020.

2.The Revenue Divisional Officer,
Melur Revenue Divisional Office,
Narasingampatti @ Vellaripatti,
Melur Taluk, Madurai-District-625 122.

3.The Tahsildar,
Madurai South Taluk,
Madurai Collectorate Building,
Madurai-625 020.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus (i) directing the first Respondent herein to initiate necessary action to dispose the petitioner's application dated 27.03.2023, which is seeking correction in the revenue



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records in respect to the Old T.S.Nos.2307 and 2308 now T.S.Nos.44/2 and 46 situated Keel Madurai Village, Madurai Town within stipulated time fixed by this Court; and (ii) directing the Respondent No.2 to dispose the petitioner's application dated 03.06.2023 pending before the Respondent No.2 within stipulated time as fixed by this Court.

For Petitioner : Mr.ARU.Maruthaachalam
For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The petitioner had purchased lands in old T.S.Nos.2307 and 2308 of Keel Madurai Village, Madurai South Taluk, Madurai, measuring an extent of 17 cents from one Sulochana, the Power Agent of K.Kumaresan and his minor children under a registered sale deed dated 05.02.1996. The sale deed would describe that the lands comprised in S.Nos.2307 and 2308 are to an extent of 17 cents. The third respondent had issued separate patta in the name of the petitioner in respect of this 17 cents *vide* proceedings dated 31.03.1997. As per the above order, the



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petitioner's property was comprised in T.S.No.44/2. The petitioner has been in peaceful possession and enjoyment of the property right from the date of purchase. However, in the FMB sketch, the petitioner's property was located in T.S.No.46. The petitioner had come to know about this anomaly only in the year 2022. Though he has been in possession of T.S.No.46, he has been paying tax in respect of T.S.No.44/2. The four boundaries mentioned in this deed correlates the four boundaries mentioned in his sale deed dated 05.02.1996. Therefore, he had submitted a representation to the third respondent on 16.07.2022 requesting him to correct the mistake. He had also filed a petition dated 27.03.2023 before the second respondent to rectify the error which had inadvertently crept. Meanwhile the petitioner's vendor taking advantage of this anomaly and with an attempt to gain an unlawful advantage had colluded and created a settlement on 03.05.2023 by dividing the property sold to the petitioner into two separate properties. The petitioner on immediately coming to know about the same, applied for and obtained an encumbrance certificate. The petitioner therefore, rushed to make yet another complaint before the second respondent on 03.06.2023 not to



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issue any patta in respect of T.S.No.46 in Keel Madurai Village to anybody. The third respondent has received the same. However, he did not take any action on the petition dated 03.06.2023 and the same is still pending. The petitioner would submit that the respondents are dragging their feet as a result of which third party interest could be created. Therefore, the writ petition.

2. Heard the learned counsel on either side.

3. The petitioner has made a representation to the respondents as early as on 16.07.2022 bringing to their notice the discrepancy and requesting them to rectify the same. Now by reason of the silence on the part of the respondents, it is contended that third party interest had been introduced into the property. In these circumstances, a mandamus is issued to the third respondent to consider the representations of the petitioner dated 16.07.2022, 27.03.2023, 13.04.2023 and 03.06.2023 and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.



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4. With the above direction, this Writ Petition is allowed. No costs.

30.09.2024

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

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To

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P.T.ASHA, J.

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