



WP(MD)No.24089 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

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P.Balakrishnan

.. Petitioner

v.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Kayatharu,
Kovilpatti Taluk,
Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the second respondent to cancel the patta in patta number.1396, restore the petitioner's patta in patta number.801 in respect of the property in Survey No.697 to an extent



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of 36.90.50 at Mudukkalankulam Village, Kayatharu Taluk, Thoothukudi District, standing in the name of Manthiramurthy, by considering the judgment and decree passed in OS.No.21 of 2016 before the I Additional District and Sessions Court, Thoothukudi and the petitioner's representation dated 12.09.2024.

For Petitioner : Ms.J.Balameenakshi

For Respondents : Mr.B.Saravanan,
Additional Government Pleader

ORDER

The petitioner, in the strength of a judgment and decree passed in OS.No.21 of 2016 on the file of the I Additional District and Sessions Court, Thoothukudi, has submitted an application for change of patta and has approached this Court.

2.Mr.B.Saravanan, learned Additional Government Pleader, takes notice for the respondents and submitted that the decree was passed only on 02.07.2024 and without ascertaining as to whether any appeal has been preferred by the other side, they cannot change the patta.



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3.Learned Counsel for the petitioner responded that, till date, no appeal has been preferred as against the judgment and decree passed in OS.No.21 of 2016.

4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.It appears that the petitioner is having a title dispute with one Shanmugasundaram, Manthiramurthy and Balasundaram. The petitioner has also filed a civil suit as against them that they have forcibly created a sale deed. The petitioner has succeeded in the civil suit. Based on the judgment and decree passed in OS.No.21 of 2016, dated 02.07.2024, the petitioner has approached the respondents for change of patta. The respondents have not acted upon the same and therefore, the petitioner has approached this Court. However, the petitioner has not arrayed the private parties as respondents in this writ petition.



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6.Be that as it may, considering the facts and circumstances of the case, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the second respondent to conduct an enquiry by issuing a notice to all the parties concerned and take a decision on the petitioner's representation dated 12.09.2024, based on the judgment and decree passed by the learned I Additional District and Sessions Judge, Thoothukudi, in OS.No.21 of 2016, dated 02.07.2024, within a period of three months from the date of receipt of a copy of this order.

Accordingly, this writ petition stands disposed of. No costs.

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NCC	:	Yes / No	
Internet	:	Yes	

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To

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B.PUGALENDHI, J.

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