



W.P.(MD) No.23375 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.23375 of 2017

Palsamy,
Representing for Yadava &
Agamudaiyar Sangam,
Regunathapuram,
Ramanathapuram Taluk,
Ramanathapuram District.

.. Petitioner

Vs.

1.The Revenue Division Officer,
O/o. The Revenue Division,
Ramanathapuram,
Ramanathapuram District.

2.The Tahsildar,
Thasildar Office,
Ramanathapuram Taluk,
Ramanathapuram District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to direct the second respondent to issue a Patta to the land in Natham Survey Nos.306/1 and 306/4 to an extent of 0.0393.0 sq. ft. and 0.0085.5 sq. ft., respectively, in favour of the petitioner Sangam namely Yadava & Agamudaiyar Sangam



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at Regunathapuram, Ramanathapuram Taluk, Ramanathapuram District by considering their application dated on 01.04.2016 the same has been numbered as Na.Ka.A5/312/2015 with the second respondent herein, in accordance with law, within time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition is filed for the following relief:

“... Writ of Mandamus, directing the 2nd Respondent to issue a Patta to the land in Natham Survey Nos.306/1 and 306/4 to an extent of 0.0393.0 sq. ft. and 0.0085.5 sq. ft., respectively, in favour of the petitioner Sangam namely Yadava & Agamudaiyar Sangam at Regunathapuram, Ramanathapuram Taluk, Ramanathapuram District by considering their application dated on 01.04.2016 the same has been numbered as Na.Ka.A5/312/2015 with the second respondent herein, in accordance with law, within time stipulated by this Hon'ble Court ...”



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2. The petitioner's contention is that the Sangam is in possession of the lands comprised in S.Nos.306/1 and 306/4 measuring an extent of 0.0393.0 sq. ft. and 0.0085.5 sq. ft. respectively. They had made an application on 14.01.2015 for issuance of patta in their name. It is the petitioner's contention that every year, a temple festival is conducted which is called *Mulaikottu Thiruvizha*. During this function, persons belong to the Yadav and Agadmudaiyar community congregate at a given place. Owing to the increase of the number of persons participating in it, it has become very congested and therefore, the elders in the community decided to purchase a property for the said purpose and it is for this purpose and for this reason, the elders had decided to approach Ipramsha family, who owned properties in S.Nos.306/1, 306/2, 306/3 and 306/4 to an extent of 0.0393.0, 0.0099.0, 0.0289.0 and 0.0085 respectively.

3. The elders of the village had approached the said family for purchasing the property and they had also agreed to the same. The property was also purchased under registered sale deeds dated



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01.11.1927 and 08.11.2017. The revenue records were mutated in the name of the Sangam where they have been conducting this festival. While so, during the natham survey scheme, property purchased in the year 1927 was wrongly subdivided and mentioned “street and pathway” and patta was assigned only with reference to S.Nos.306/2 and 306/3. In the year 2011, the petitioner had approached the second respondent for grant of patta in respect of the lands in S.Nos.306/1 and 306/4 which have been wrongly shown as street and path. However, the request has not be considered. The petitioner would submit that they had approached the second respondent by filing application on 14.01.2015 and in April, 2016 for grant of patta followed by several reminders on 06.05.2016, 02.08.2016, 28.09.2016, 21.09.2016 and 28.10.2016 and they have not been posed for adjudication. Therefore, the present writ petition.

4. Heard the learned counsel on either side.

5. The learned Additional Government Pleader would submit that as per the records, for several so many years, the lands have been



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classified as “street and pathway” and the petitioner Sangam is not entitled to a patta.

6. Be that as it may, the respondents are directed to consider the representation, hear the parties and pass orders on merits by following due process of law within a period of six weeks from the date of receipt of a copy of this order.

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

21.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

1.The Revenue Division Officer,
O/o. The Revenue Division,
Ramanathapuram,
Ramanathapuram District.



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P.T.ASHA, J.

abr

2.The Tahsildar,
Thasildar Office,
Ramanathapuram Taluk,
Ramanathapuram District.

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Dated: 21.08.2024
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