



W.P.(MD).No.31280 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD).No.31280 of 2023

Maduravalli

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Thiruparankundaram Taluk,
Madurai District.

4.The Village Administrative Officer,
Mullakulam Village,
Thiruparankundaram Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing to grant patta in favour of the petitioner for the land in Survey Number 11/1, Plot No.8, 2282 Sq.ft.,



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situated at Mullakulam Village, Thiruparankundram Taluk, Madurai District, based on the petitioner's application dated 06.11.2023.

For Petitioner : Mr.P.N.Vengadeswaran

For Respondents : Mr.SRA.Ramachandran
Additional Government Pleader

ORDER

The petitioner seeks for a writ of Mandamus to grant patta in favour of the petitioner for the land in Survey No.11/1, Plot No.8, measuring an extent of 2282 Sq.ft., situated at Mullakulam Village, Thiruparankundram Taluk, Madurai District, based on the petitioner's application dated 06.11.2023.

2. According to the petitioner, she, being a senior citizen aged about 84 years, purchased the above said property by way of a registered sale deed in Document No.322/2000 on the file of the Sub Registrar, Madurai South Joint-I, from one A.Rajendran, S/o.Alagarsamypillai. Hence, the patta has to be mutated in her favour. When verified, the petitioner came to know that Patta No.53 for the said land stands in the name of Periyasamy,



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S/o.Periyakaruppan, which is a mistake. According to the petitioner, there is no land in Survey No.11/1, Mullakulam Village, Thiruparankundram Taluk, Madurai District in favour of Periyasamy. According to her, while updating the computer records, the mistake has crept in. There cannot be any person by name Periyasamy, who claims title over the said property. Hence, as per the claim of the petitioner, patta has to be issued in favour of the petitioner.

3. The learned Additional Government Pleader appearing for the respondents would submit that there was a claim made by Periyasamy, S/o.Periyakaruppan against Deivendran, S/o.Gurusamy and his wife, Amudha and the Tahsildar passed an order in R.D.R.No.205/2009 dated 26.01.2009. Challenging the same, an appeal was filed before the Revenue Divisional Officer. The parties were served with notice for appearance on 20.03.2012 and an *ex parte* order was passed on 31.05.2012.

4. A perusal of the said order reveals that Periyasamy claimed that the property was sold to his father by one Alauddin Saib, S/o.Nanniba Saib in Document No.4194/1957 dated 26.07.1957 and after his father's death, he



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was in possession and enjoyment of the said property. According to him, when his father Periyakaruppan purchased the property, the lands in Survey Nos.7/1 (60 Cents), 7/2 (53 Cents), 7/3 (47 Cents), totally measuring 1.60 Acres of Punja lands were merged as New Survey No.11/1 and the same was sub-divided as New Survey Nos.11/1A, 11/1B and 11/1C. Accordingly, for the land in Survey Nos.11/1A (0.02.0 Ares) and 11/1B (0.44.0 Ares), patta passbook was issued on 16.07.2004 in favour of Periyasamy. The other lands in Survey No.11/1C has been erroneously classified as 'kanmai poromboke'. Before that, patta was issued for the said 1.60 Acres of land in favour of the vendors of his father, Periyakaruppan. However, erroneously, patta has been mutated with the names of Deivendran, S/o.Gurusamy and his wife, Amudha, as joint patta holders in Patta No.38. On going through the documents, it is seen that the said Deivendran purchased the subject land in Survey No.11/1 from one Venkatasubramania Pillai in Document No.2/1989 dated 02.01.1989, which was developed into plots. As per the said plots, Plot Nos.4 and 5 were purchased by Deivendran and his wife, Amudha. According to Periyasamy, the said land does not belong to Venkatasubramania Pillai and the said person cannot sell the property in



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favour of all these persons and those documents relied upon by them cannot be valid. After considering the above facts, the Revenue Divisional Officer passed an order cancelling the mutation of patta and transferring the patta in the name of Periyasamy.

5. The petitioner states that she has purchased the subject property from one A.Rajendran, S/o.Alagarsamypillai and her predecessor has purchased the property from Venkatasubramania Pillai, who has no title, according to the respondents and the petitioner is also one of the purchasers in the same area in different plot. Hence, the respondents are directed to consider the petitioner's application dated 06.11.2023 and pass appropriate orders as the petitioner is relying on the proceedings passed by the second respondent dated 31.05.2012, within a period of eight (8) weeks from the date of receipt of a copy of this order. If the petitioner is aggrieved, it is left open to her to approach the competent court in the manner known to law.



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6. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

02.01.2024

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

To

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V.BHAVANI SUBBAROYAN,J.

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