



W.P.(MD).No.31589 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.12.2024

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THE HON'BLE **MR.JUSTICE M.JOTHIRAMAN**

W.P.(MD).No.31589 of 2024

and

W.M.P.(MD).Nos.26452, 26453 & 26454 of 2024

Seethalakshmi

... Petitioner

Vs.

1. The State of Tamil Nadu represented by its,
The Principal Secretary to Government,
The Revenue and Disaster Management Department,
Secretariate,
Chennai – 600 009.
2. The District Collector,
Sivagangai District,
Sivagangai.
3. The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
4. The Assistant Director of Survey,
Sivagangai District,
Sivagangai.
5. The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.



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6. The Deputy Surveyor,
Thiruppuvanam Taluk Office,
Thiruppuvanam,
Sivagangai District.

7. S.Kamatchi alias Kameswaran

8. K.M.Paari

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the impugned order of the 6th Respondents measurement notice in F.L.No:004782 dated 01.10.2024 signed by the 6th Respondent on 12.12.2024 and communicated to the Petitioner on 19.12.2024 in person and quash the same and consequently forbearing the Respondents 4 to 8 interfering the peaceful possession and enjoyment of the landed property of the Petitioner in S.No. 42/2 for an extent of 4 acres and 50 cents Kothangulam Village, Thiruppuvanam Taluk, Sivagangai District by way of conducting measurement.

For Petitioner : Mr.V.Thirumal

For R1 to R6 : Mr.A.Baskaran
Additional Government Pleader

ORDER

Mr.A.Baskaran, learned Additional Government Pleader takes notice on behalf of the Respondents 1 to 6.



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2. This Writ Petition has been filed challenging the Impugned Order dated 01.10.2024 passed by the 6th Respondent signed on 12.12.2024 and consequently forbearing the Respondents 4 to 8 interfering the peaceful possession and enjoyment of the landed property of the Petitioner in S.No. 42/2 for an extent of 4 acres and 50 cents Kothangulam Village, Thiruppuvanam Taluk, Sivagangai District by way of conducting measurement.

3. With the consent of the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the Respondents 1 to 6, this Writ Petition is taken up for final disposal at the time of admission itself. Notice to the Respondents 7 and 8 is dispensed with.

4. The case of the Petitioner is that the Petitioner's family members were in possession and enjoyment of the landed property measuring to an extent of 4 acres and 50 cents comprised in S.No.42/2 at Kothangulam Village, Thiruppuvanam Taluk, Sivagangai District ancestral property of the Petitioner's family. By a Judgement and Decree dated 12.11.1948 in O.S.No.11 of 1947, the Sub Court, Sivagangai had equally allotted the subject property to the Petitioner's father namely Muniyandi Pillai and his two brothers namely Murugesan Pillai and Raja @ Sundaram Pillai.



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During the trial of the above partition suit, the said Raja @ Sundaram Pillai (1st Defendant therein) was died and her wife namely Rajammal was substituted as the 3rd Defendant. The Suit was also decreed and the Plaintiff and the Defendants were entitled to equal shares in respect of the above said subject property. Thereafter, the said Rajammal had passed away in the year 1987 leaving behind no surviving legal heirs. Based on the oral partition between the Petitioner's family members and the said Murugesan family members the subject property was allotted in favour of the Petitioner as per succession and to date the Petitioner is in possession and enjoyment of the subject property. Further grievance of the Petitioner is that one S.Kamatchi @ Kameswaran along with one K.M.Paari who are no way related to the Petitioner's family members had colluded with the Revenue Officials and obtained Patta in respect of the subject property by giving huge sums of money as bribe. They had also made an application of Patta transfer in the name of one K.Navaneetha (minor) without her consent. The said K.Navaneetha in turn had lodged a complaint before the Commissioner of Police Madurai. The Petitioner had also made a complaint and immediately thereafter, the Patta was transferred in the name of S.Kamatchi alias Kameswaran, the 7th Respondent herein. The Petitioner had also filed a Statutory Appeal No.5507 of 2024 dated 11.09.2024 before the Revenue



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Divisional Officer (RDO), Sivagangai, the 3rd Respondent to cancel the fraudulent Patta obtained by the 7th and 8th Respondents. Since no action has been taken, the Petitioner had filed W.P.(MD).No.26919 of 2024 to dispose of the Statutory Appeal No.5507 of 2024 dated 11.09.2024. After hearing the contention of the Petitioner and the Respondents in W.P.(MD).No.26919 of 2024, this Court had directed the Respondents to file a Status Report. The Respondents neither served the Status Report to the Petitioner nor filed before this Court till date. However, the Respondents had served a notice to the Petitioner on 19.12.2024 and fixed the date for measurement on 30.12.2024 ignoring the pendency of the above writ petition. Aggrieved by the same, the Petitioner is before this Court.

5. The learned counsel for the Petitioner would submit that though the Statutory Appeal No.5507 of 2024 dated 11.09.2024 was pending before the Revenue Divisional Officer (RDO), the Impugned Order dated 01.10.2024 has been passed by the 6th Respondent is arbitrary illegal and without principles of natural justice. He would submit that the Petitioner has filed a detailed representation dated 11.09.2024 before the 3rd Respondent requesting to cancel the Patta and prayed to pass an order of interim stay of order impugned dated 12.12.2024.



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6. Per contra, the learned Additional Government Pleader for the Respondents 1 to 6 on instructions would submit that the Respondents have served impugned notice dated 12.12.2024 to the Petitioner for conducting inquiry regarding subdivision of lands comprised in S.No.42/2 to an extent of 4 acres and 50 cents situated at Kothangulam Village, Thiruppuvanam Taluk, Sivagangai District and the Petitioner can very well submit her representations/objections along with the necessary documents before the authorities concerned. He would further submit that only after verifying the documents submitted by the Petitioner and other parties, the authorities concerned will pass appropriate orders in accordance with law. The authorities concerned ready to conduct an inquiry in the office of Tahsildar at Thiruppuvanam.

7. The Impugned Order dated 12.12.2024 has been issued by the office of the Tahsildar, Thiruppuvanam signed by the Revenue Inspector on 12.12.2024, wherein it has been addressed to the Petitioner herein, to submit her necessary documents for the purpose of subdividing the property comprised in S.No.42/2 to an extent of 4 acres and 50 cents situated at



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Kothangulam Village, Thiruppuvanam Taluk. Copy of the order impugned also marked to the Village Administrative Officer, Kothangulam Village, Thiruppuvanam Taluk, to produce the Village Accounts and directed to appear along with Village Assistant on 30.12.2024.

8. Considering the submissions made by the learned Additional Government Pleader and considering the nature of Impugned Notice dated 12.12.2024 issued by the authorities concerned, this Court is not inclined to quash the impugned notice since the petitioner had already filed the writ petition in W.P(MD)No.26919 of 2024 and the same is pending for adjudication. This Court, without going into the merits of the case, mould the relief sought for in this Writ Petition. The Petitioner is at liberty to submit her representation along with necessary documents before the authorities concerned on 30.12.2024, as mentioned in the Impugned Notice. The authorities concerned after affording an opportunity to all the parties concerned, if necessary, shall proceed further in accordance with law. The authorities concerned shall conduct an inquiry in the office of the Tahsildar, Thiruppuvanam.



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9. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.12.2024

Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation :Yes/No
rgm



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