



W.P.No.1259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.No.1259 of 2025

Govindhan

...Petitioner

Vs

1.The District Collector
Office of Collectorate
Dharmapuri District.

2.The Tahsildar
Office of the Tahsildar,
Palacode Taluk,
Dharmapuri District.

3.The Commissioner
Panchayat Union,
Palacode,
Dharmapuri District

...Respondents

PRAYER :-Writ Petition filed under Article 226 of the Constitution of India, pleased to issue Writ of Certiorarified Mandamus, or any other order in the nature of Writ challenging the impugned order dated 18.08.2022 in O.Mu.No.1226/2022/A1 passed by the 2nd respondent and quash the same as illegal and consequently direct the 2nd respondent authority to issue patta in the name of the petitioner with regard to the property in S.No.562/4 in Ammanimallapuram Village, Palacode Taluk, Dharmapuri District within such time as may be stipulated by this Court.



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For Petitioner : M/s.Velmurugan
For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader
(For R1 & R2)

ORDER

The Writ Petition has been filed challenging the impugned order passed by the second respondent dated 18.08.2022 and consequently direct the second respondent to issue patta in the name of the petitioner in respect of the property comprised in S.No.562/4, Ammanimallapuram Village, Palacode Taluk, Dharmapuri District.

2.The petitioner who served with the Central Reserve Police Force (CRPF) upto 1977 and who had retired had made an application to the Panchayat Union for grant of an house site. The Panchayat Union had passed a resolution recommending the said grant and recommending that patta be issued to the petitioner by the Tahsildar in this regard. The petitioner would submit that there were 2 cents of vacant land in S.No.562/4 located outside village limit standing in the name of the Panchayat Union. Those lands were not being utilized by Panchayat Union and was being used for dumping waste. The Panchayat Union has resolved this land could be given to the petitioner. The petitioner would submit that pursuant to the resolution passed by the Panchayat Union he



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had occupied the land and had put up a construction. He was assessed to the house tax and was also issued with electricity connection and water connection. Since the petitioner has been in possession of the said property from the year 1976 he had requested for grant of patta. Further he had filed a suit in O.S.No.92 of 2017 against the third respondent/Panchayat Union to declare his right and title to the subject property by adverse possession for an injunction. The third respondent failed to contest the suit and ultimately the suit was decreed by judgment and decree dated 28.09.2018. As a result of which the petitioner's right and title to the subject property had been declared. The petitioner thereafter sought for issue of patta. Despite production of the decree, the second respondent had rejected the request stating that the patta stands in the name of the third respondent. Thus aggrieved, the petitioner is before this Court.

3.Heard the learned counsels on either side and perused the records. Mr.M.R.Gokul Krishnan, Additional Government Pleader takes notice on behalf of R1 and R2.



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4. Petitioner's right to the property has been declared against the third respondent by judgment and decree dated 28.09.2018 of the learned District Munsif, Palacode, in O.S.No.92 of 2017. The said judgment and decree have not been challenged by the third respondent and has attained finality. The Civil Court has declared the petitioner's right to the property by holding against the third respondent and therefore it does not lie in the mouth of the second respondent to reject the request for grant of patta stating that the patta stands in the name of the third respondent. Hence, the Writ Petition is allowed and the impugned order is set aside and the second respondent is directed to issue patta in favour of the petitioner within a period of four weeks from the date of receipt of copy of this order. No costs.

21.01.2025

Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
ep

P.T.ASHA, J.



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