



WEB COPY



WP No. 27088 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos. 27088 and 27091 of 2024

And

W.M.P No. 29599 of 2024

1. Sivasubramanian
2. Kalyanasundaram

Both represented by the Power Agent,
Annamalai

... Petitioners in both W.Ps

Vs.

1. The District Collector,
Ariyalur District – 621704
2. The Revenue Divisional Officer,
RDO Office
Udayarpalayam
Ariyalur District – 621804
3. The Tahsildar,
Sendurai Taluk
Ariyalur District – 621714
4. The Block Development Officer
Sendurai Taluk
Ariyalur District – 621714
5. The Village President
Irumbulikurichi Village



WP No. 27088 of 2024

Sendurai Taluk

Ariyalur District – 621804

... Respondents in both W.Ps

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Prayer in W.P.No.27088 of 2024: Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus, directing the Tahsildar, Sendurai/3rd respondent to consider the title deeds produced by the petitioners for Grama Natham Land, Survey No. 395/6 (Old Survey No.339/2) measuring an extent of 0.01.23 Ares (3 cents), situated at West Street, Irumbulikulurichi, Sendurai Taluk, Ariyalur District and dispose the petitioners' representations dated 12.04.2024 (by hand 22.04.2024) and 12.08.2024 for grant of Patta, within a time frame by this Court.

Prayer in W.P.No.27091 of 2024: Writ Petition filed under Article 226 of the Constitution of India seeking to issue Writ of Mandamus, forbearing the respondents from constructing ration shop/fair price shop in the petitioners' Grama Natham land, Survey No.395/6 (Old Survey No.339/2) measuring an extent of 0.01.23 Ares(3 cents), situated at West Street, Irumbulikulurichi, Sendurai Taluk, Ariyalur District, without following due process of law.

For Petitioners : Mr. R. Venkatesalu

in both W.Ps

For Respondents: Mr. P. Sathish,

in both W.Ps Additional Government Pleader



WP No. 27088 of 2024

COMMON ORDER

These writ petitions have been filed for the following reliefs:

W.P.No.27088 of 2024:

“To issue a Writ of Mandamus, directing the Tahsildar, Sendurai/3rd respondent to consider the title deeds produced by the petitioners for Grama Natham Land, Survey No. 395/6 (Old Survey No.339/2) measuring an extent of 0.01.23 Ares (3 cents), situated at West Street, Irumbulikulurichi, Sendurai Taluk, Ariyalur District and dispose of the petitioners' representations dated 12.04.2024 (by hand 22.04.2024) and 12.08.2024 for grant of Patta, within a time frame by this Court.

W.P.No.27091 of 2024:

To issue a Writ of Mandamus, forbearing the respondents from constructing ration shop/fair price shop in the petitioners' Grama Natham land, Survey No.395/6 (Old Survey No.339/2) measuring an extent of 0.01.23 Ares(3 cents), situated at West Street, Irumbulikulurichi, Sendurai Taluk, Ariyalur District, without following due process of law.



WP No. 27088 of 2024

2. The petitioners have filed a suit O.S.No.190 of 2024 on the file of the Sub Court, Ariyalur against the respondents herein seeking a declaration of their title to the property in question, namely, Survey No.395/6, Old Survey No.339/2, measuring an extent of 0.01.23 Ares, within the following boundaries and for an injunction restraining the respondents from interfering with their peaceful possession and enjoyment of the property in question.

3. The learned counsel for the petitioners would submit that, at the time of filing of the suit, the construction had not commenced and it was pending the suit that the construction has been put up. The petitioners would be taking steps to amend the suit accordingly.

4. On the other hand, the learned Special Government Pleader for the respondents, on the other hand, would assert that the property in question is a sarkar poromboke where originally there was a motor pump set for supplying water to the general public. The same has now been demolished and the fair price shop has been put up in its place. These are the issues where the evidence is to be let in before the trial Court.



WP No. 27088 of 2024

WEB COPY

5. The petitioners' contention is that the subject land is a natham land and they have purchased it as early as in the year 1981. These facts have to be established by letting in evidence, which the Writ Court cannot undertake. Therefore, these Writ Petitions are dismissed. The petitioners are directed to work out their remedy in the suit. It is needless to state that, the construction of the fair price shop will not give any advantage to the respondents and that apart, once the suit is decreed in favour of the petitioners, the building shall be demolished and the damages will not be mulcted on the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

06.01.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn

To,

1. The District Collector,
Ariyalur District – 621704
2. The Revenue Divisional Officer,
RDO Office
Udayarpalayam
Ariyalur District – 621804



WP No. 27088 of 2021

3. The Tahsildar,
Sendurai Taluk
Ariyalur District – 621714
4. The Block Development Officer
Sendurai Taluk
Ariyalur District – 621714
5. The Village President
Irumbulikulurichi Village
Sendurai Taluk
Ariyalur District – 621804



WEB COPY



WP No. 27088 of 2024

P.T.ASHA, J.,

srn

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And

W.M.P No. 29599 of 2024

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