



WEB COPY



W.P.No.32291 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.32291 of 2019
and
W.M.P.Nos.32583 & 32584 of 2019

Ethirajulu

.... Petitioner

Vs

1. The District Collector of Villupuram,
Collector Office, Villupuram District.

2. The District Revenue Officer,
Villupuram District.

3. The Revenue Divisional Officer,
Kallakurichi Taluk,
Villupuram District.

4. The Tahsildar,
Kallakurichi Taluk,
Villupuram District.

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records and quash the order dated 28.12.2017 passed by the 2nd respondent in vide Letter No. Aa3/4036/2017 which cancelled the Assignment Patta for the property situated at Anthiyur Village,



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Kallakurichi Taluk, Villupuram District in patta No. 232 and Survey No. 197/18-001-85 Ares a constructed house along with 00.50 Ares of garden (vacant land) and pathway. The vacant land used for cattle's.

For Petitioner : Mr.D.Padmanabhan
For Respondents : Mr.G.Velu
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 28.12.2017 passed by the second respondent, thereby allowing the appeal filed by the counter party and directing the respondent to issue patta in favour of the counter party in respect of the land comprised in Survey No.197/18-001-85 ares, under Patta No.232, situated at Anthiyur Village, Kallakurichi Taluk, Villupuram District.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The land comprised in Survey No.197/18 admeasuring 001.85, ares under Patta No.232, situated at Anthiyur Village, Kallakurichi Taluk, Villupuram District, is in the possession and enjoyment of the petitioner. The said land was originally purchased by the petitioner's grandfather, who was in peaceful possession and enjoyment of the same.

4. While being so, the counter party one Selvaraj, residing



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adjacent to the petitioner's property, attempted to interfere with the peaceful possession and enjoyment of the subject property. Therefore, the petitioner filed a suit in O.S.No.226 of 2017 as against the counter party before the Sub Court, Kallakurichi, for permanent injunction. Pending suit, the counter party Selvaraj made a representation before the fourth respondent and the same was forwarded to the third respondent for enquiry. On enquiry, the third respondent rejected the relief sought for by the counter party and directed him to approach the revenue authorities, subject to the outcome of the civil suit.

5. Aggrieved by the said order, the counter party preferred an appeal before the second respondent. After due enquiry, the second respondent ordered for sub-division of the property comprised in Survey Nos.197/16, 17, 18 situated at Anthiyur Village, Kallakurichi and directed to issue patta in favour of the counter party. The petitioner has now filed the present writ petition, without impleading the counter party as the first respondent.

6. In the meanwhile, the suit filed by the petitioner in O.S.No.226 of 2017 was decreed in favour of the petitioner, by Judgment and Decree dated 29.04.2024, in respect of the very same property. The



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Trial Court declared the petitioner's title and issued an injunction in respect to the property comprised in Survey No.197/18, to an extent of 0.01.85 sq.mts and 0.00.50 ares, restraining the counter party from interfering with the peaceful possession and enjoyment of the said property. Therefore, the order passed by the second respondent cannot be sustained is liable to be set aside.

7. Accordingly the order passed by the second respondent dated 28.12.2017 is hereby set aside insofar as the property comprised in survey No.197/18 alone. Accordingly, this Writ Petition is partly allowed. Consequently, connected miscellaneous petitions are closed. No costs.

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Internet: Yes

Index : Yes/No

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To

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G.K.ILANTHIRAIYAN. J.



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