



W.P.(MD) No.3257 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3257 of 2025

D.Sakkammal

...

Petitioner

Vs

1 The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

2 The Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

3 Srengaraja

4 Nirmala

5 C.Selvaraj

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the first respondent to consider the petitioner's representation, dated 29.11.2024, and pass orders pursuant to the enquiry conducted vide proceedings in Na.Ka.A2/2183/2023, dated 05.07.2023, in accordance with law.



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For Petitioner : Mr.Y.Prakash

For Respondents 1 & 2: Mr.B.Saravanan,
Addl. Govt. Pleader.

ORDER

The petitioner seeks issuance of a writ of mandamus, directing the first respondent to consider his representation, dated 29.11.2024, and pass orders pursuant to the enquiry conducted vide proceedings in Na.Ka.A2/2183/2023, dated 05.07.2023, in accordance with law.

2. I have heard Mr.Y.Prakash, learned counsel for the petitioner; and Mr.B.Saravanan, learned Additional Government Pleader, for the official respondents.

3. The petitioner states that pursuant to his request, the second respondent – Tahsildar has conducted an enquiry and found the entitlement of the petitioner to the deduction in the extent, which is based on incorrect sub-division and consequent patta being issued in the name of the third respondent.

4. It is seen that a detailed enquiry was conducted by the Tahsildar in the presence of private respondents 3 to 5 and a report forwarded to the first respondent - Revenue Divisional Officer. No doubt, the third



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respondent has filed a suit in O.S.No.87 of 2023 on the file of District Munsif Court, Rajapalayam. The suit is one for permanent injunction and not touching the title of the parties to the subject land. Further, in any event, there is no interim order, which impedes the first respondent to pass orders on the petitioner's representation, for cancellation of sub-division and issuance of fresh patta.

5. I find from the records that as early as on 05.07.2023, the Tahsildar conducted an enquiry and submitted a report to the first respondent. Pendency of the suit cannot be cited for the first respondent not passing orders in respect of sub-division and issuance of patta, which are within the domain of the first respondent, especially when there is no legal restraint order passed by the civil court.

6. In view of the above, the Writ Petition is allowed, directing the first respondent to pass orders on the report, dated 05.07.2023, received by the first respondent from the second respondent, in accordance with law, after hearing the petitioner and the respondents 3 to 5, within a period of six weeks from the date of receipt of copy of this order. No costs.

04.02.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
dixit



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To:

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P.B.BALAJI, J.

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