

W.P.(MD) No.3590 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:10.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.3590 of 2025

and

W.M.P(MD)No.2539 of 2025

K.Sethuramasubramanian

... Petitioner

vs.

1.The Commissioner of Land Administration,
Land Administration Department,
2nd Floor, Ezhilagam,
Chepauk, Chennai-6005 005.

2.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

4.Madasamy Thevar

5.V.V.Chellappa

6.Selvakumaran

7.Nataraja Thevar

8.Chellappa

9.Vallarama Thevar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the second respondent to follow the Clause No.5 of the circular issued by the first respondent in



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Na.Ka.No.R1/2005632/2022 dated 17.07.2023 while dealing with the enquiry proceedings meant for the cancellation of revenue records initiated in Na.Ka.No.Aa2/11207/2024 in respect of the property situated in Natham S.No. 221/3D, Pappakudi Part-I Village, Cheranmahadevi Taluk, Tirunelveli District.

For Petitioner : Mr.R.Anand

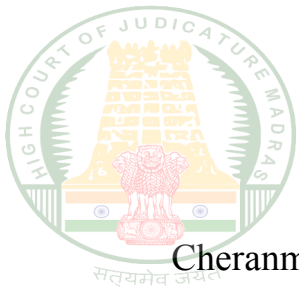
For Respondents : Mr.C.Satheesh
Government Advocate for R1 to R3

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the second respondent to follow Clause No.5 of the circular in Na.Ka.No.R1/2005632/2022 dated 17.07.2023 on the file of the first respondent while enquiring into the request for cancellation of revenue records in Na.Ka.No.A2/11207/2024 pertaining to Natham S.No.221/3D, Pappakudi Part-I Village, Cheranmahadevi Taluk, Tirunelveli District.

2.Heard the learned counsel on either side.

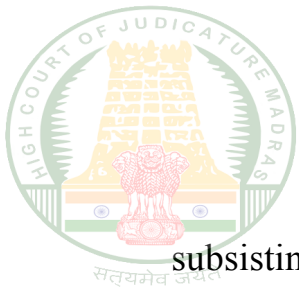
3.The writ petitioner owned the subject lands in Natham S.No.221/3D referred herein above and he has already disposed of the same to the third parties, who are the plaintiffs in O.S.No.4 of 2025 before the Additional District Munsif,



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Cheranmahadevi. The writ petitioner, admittedly, is not a party to the suit and the plaintiffs therein are only claiming title under the writ petitioner. The purchasers of the plaintiffs have filed the suit for permanent injunction to restrain the defendants in the suit, who are arrayed as respondents 4 to 9 in the present writ petition from interfering with their peaceful possession and enjoyment. The petitioner has now filed the instant writ petition because the second respondent has called upon the petitioner to appear for enquiry. According to the petitioner, he is no longer interested in the subject matter of the dispute and further, in terms of the circular issued by the first respondent, which is being referred to in the prayer for issuance of Writ of Mandamus, the revenue authorities have to stay away and merely direct the parties to resolve the dispute before the civil Court.

4. In view of the fact that the writ petitioner has already disposed of the subject lands and the mutation of patta in favour of his purchasers, which is now sought to be challenged by way of an application before the second respondent, it is for the second respondent to enquire into the matter and decide as to whether any serious disputed questions of title are involved in order to relegate the parties to regular civil trial or whether the issues can be decided by the second respondent himself. However, the writ petitioner has recorded his stand given before this Court that, having already alienated the subject lands, he has no



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subsisting interest in the subject matter of dispute and further, he has no objection for the patta, which has been issued in favour of the plaintiffs, his purchasers, being confirmed.

5.Recording the said stand of the writ petitioner, the second respondent is directed to proceed with the enquiry, whether or not the writ petitioner makes himself available before the second respondent at the time of enquiry and based on the available materials and documents filed by the private respondents herein and the purchasers of the writ petitioner, the second respondent shall decide the application on merits, taking into account the circular dated 17.07.2023 issued by the first respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

10.02.2025

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NCC: Yes/No

Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.

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