



W.P.(MD)No.3463 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3463 of 2025

R.Siva Chidambaram

.... Petitioner

/Vs./

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Iluppur,
Pudukkottai District.

2.The Tahsildar,
Taluk Office,
Viralimalai,
Pudukkottai District.

3.Packiam

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to expedite the enquiry in respect of O.Mu.2614207/2024/A1 dated 09.11.2024 within the stipulated time fixed by this Court on the basis of the petitioner's representation dated 14.08.2024.



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For Petitioner : Mr.A.Arul Jenifer
For R1 & R2 : Mr.C.Satheesh
Government Advocate

ORDER

With the consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2. The writ petition is filed seeking a writ of mandamus to direct the first respondent to dispose of the petitioner's representation dated 14.08.2024 for cancellation of patta issued in the name of the vendor of the third respondent.

3. The petitioner also fairly submitted that the third respondent has filed a civil suit in O.S.No.of 2024, on the file of the District Munsif, Keeranur for permanent injunction, where, the writ petitioner is also arrayed as defendant. The petitioner claims that the lands in S.F.No.282/1, Neerpalani Village, Viralimalai Taluk, Pudukkottai District were classified as Government Poramboke dry land/colour land. Subsequently, the said lands have been sub-divided and assigned as



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579/2 measuring 2.52.0 ares.

4. According to the petitioner, the lands in respect of which patta has been granted to the third respondent are Government lands classified as Poramboke unassessed dry land-colour land comprised in S.F.No.282/2. It is the further case of the petitioner that immediate adjoining lands are in occupation and possession as agricultural lands of the petitioner and that he using the lands in S.F.No.282/2 for the purpose of ingress and egress to reach/exist his agricultural fields. The third respondent, relaying emphasis on the patta issued to him, is now obstructing the petitioner's ingress and egress and also filed a suit in O.S.No.4 of 2024 before the District Munsif, Keeranur for permanent injunction to restrain the writ petitioner herein from interfering with the third respondent's possession and enjoyment of the colour land/Government poramboke.

5. In this regard, the petitioner has made a representation on 14.8.2024 for cancellation of patta to indicate his right of ingress and egress in S.F.No.282/2. On going through the plaint in O.S.No.4 of



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2024, I do not find that any title issue is involved and it is only a suit for permanent injunction based on the patta granted to the third respondent. The petitioner has a right to contradict the claim of the third respondent on the ground that it was fraudulently obtained and in this regard, *prima facie*, the petitioner is able to show that the lands have been classified as 282/2 as colour boomi lands in respect of which, the third respondent cannot stake any independent claim. Therefore, there is no impediment for this Court to issue a direction to the first respondent to consider and pass orders on merits and in accordance with law, after affording an opportunity to the third respondent, on the petitioner's application dated 14.08.2024, expediting the enquiry, which has been initiated in respect of O.Mu.2614207/2024/A1, dated 09.11.2024. The said exercise shall be completed within a period of twelve weeks from today.

6. Accordingly, the writ petition is disposed of. No costs.

Index : Yes / No
NCC : Yes / No
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P.B. BALAJI, J.

am

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