



W.P.(MD)Nos.4609 and 4637 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)Nos.4609 and 4637 of 2025

W.P.(MD)No.4609 of 2025:-

Ayyam Pandi

... Petitioner

vs.

1.The District Revenue Officer,
Office of the District Revenue Officer,
Thoothukudi District.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3.The Tahsildar,
O/o.The Tahsildar,
Eral Taluk, Thoothukudi District.

4.The Superintendent of Police,
O/o.Superintendent of Police,
Thoothukudi District.

5.Melba

... Respondents



W.P.(MD)Nos.4609 and 4637 of 2025

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take actions to prevent the Melba W/o.V.K.Murugesan from illegally laying fence in the Natham-land in Survey No.29A/3A2F using forged patta (patta No.194), located at Korkai Village, Eral Taluk in Thoothukudi District by considering the representation sent to the respondents, dated 28.01.2025.

For Petitioner	:Mr.J.Suthakar
For R1 to R3	:Mrs.S.Jeyapriya Government Advocate
For R4	:Mr.S.Prakash Government Advocate
For R5	:Mr.P.Jeyaprakash

W.P.(MD)No.4637 of 2025:-

Ayyam Pandi

... Petitioner

vs.

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2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3.The Tahsildar,
O/o.The Tahsildar,
Eral Taluk, Thoothukudi District.

... Respondents



W.P.(MD)Nos.4609 and 4637 of 2025

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to take action for issuing to the nathem-land in Survey No.29A/3A2F located at Korkai Village, Eral Taluk in Thoothukudi District by considering the representation sent to the respondents, dated 28.01.2025.

For Petitioner :Mr.J.Suthakar
For Respondents :Mr.B.Saravanan
Additional Government Pleader

COMMON ORDER

W.P(MD)Nos.4609 and 4637 of 2025 are taken up together with the consent of the learned Counsel on both sides.

2.The case of the Writ Petitioner is that he has purchased a small extent of land about 1.5 cents comprised in Survey No.29A/3A2F and based on the said purchase, he claims for patta as well as survey to be conducted. In view of there being no action taken on the request of the petitioner, the above two Writ Petitions have been filed one to take action against the fifth respondent and and other one for issuance of patta.



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3.The learned Counsel for the petitioner would take me through the document filed in support of the Writ Petitions and also contends that the petitioner's request for patta and survey is based on a registered sale deed and there can be no impediment for the authorities going ahead with the survey.

4.However, the learned Counsel for the fifth respondent would submit that the fifth respondent had filed a civil suit as against the petitioner's vendor in respect of the very same property and also obtained a decree in her favour, which too has become final. Therefore, the petitioner's request for both patta as well as survey cannot be permitted.

5.Mrs.Jeyapriya, learned Government Advocate would content that in view of the dispute between the parties, the parties may be relegated to the civil Court.

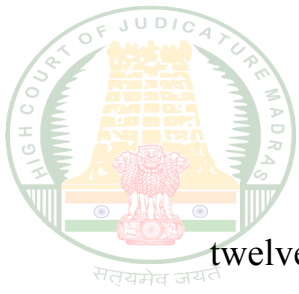
6.I find that in respect of the very same subject property, there has been a civil suit between the fifth respondent and the petitioner's vendor, one Mookkammal. Therefore, relegating the parties to the Civil Court



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once again would not be in the interest of justice. However, at the same time, the claim of the petitioner is that the application for patta and survey pertains to a small extent of 1.5 cents and it is only in respect of the adjoining property of the fifth respondent and not in anyway connected with the fifth respondent. Hence, it would be just and proper to first direct the Tashildar to conduct an enquiry after affording an opportunity to the petitioner as well as the fifth respondent. The Tashildar shall also be entitled to carry out a survey with the help of the survey authorities to ascertain the factual position with regard to the claim of the petitioner for patta as well as survey.

7. On enquiry, after affording an opportunity to the petitioner and the fifth respondent, if the Tashildar finds that the petitioner's request for patta and survey is not in respect of the property, which is subject matter of the suit already decided, then he shall favorably consider the petitioner's application for patta and survey. However, if the Tahsildar finds that the claim made by the petitioner is already covered by the dispute in O.S.No.27 of 2020, then the application of the petitioner shall be rejected. The entire exercise shall be carried out within a period of



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twelve weeks from the date of receipt of a copy of this order. The parties shall maintain status-quo till the issue is decided by the Tahsildar.

8. With the above directions, these Writ Petitions are disposed of.

No costs.

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

10.03.2025

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To

1. The District Revenue Officer,
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2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3. The Tahsildar,
O/o. The Tahsildar,
Eral Taluk, Thoothukudi District.

4. The Superintendent of Police,
O/o. Superintendent of Police,
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P.B.BALAJI, J.

cmr

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