

W.A.(MD)No.415 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.415 of 2025
and
C.M.P.(MD).No.3230 of 2025

S.Jeyalakshmi (Died)

1.Nagarajan
2.Seetharaman

... Appellants

Vs.

1.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
Sattur Taluk Office,
Sattur,
Virudhunagar District.

4.N.Veerasingam
5.N.Ramasamy
6.N.Lakshmanan

N.Seenivasan (Died)

7.N.Kuppusamy



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V.Rajaveerappan (Died)

8.V.Kamaraj

V.Venkidasamy Naicker (Died)

V.Vijayakumar (Died)

9.S.Venkidaraj

10.S.Radhakrishnan

11.P.Seenivasan

12.P.Kalyanaraj

13.S.Padmini

14.S.Praveen

15.S.Rajasree

16.R.Vijayakumar

17.R.Rajkumar

18.R.Murali Karthick

19.V.Radha

20.V.Vijaya

21.V.Rukkumani

22.V.Veeramanikandan

23.Vimalasree

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.12191 of 2016, dated 21.10.2024.

For Appellants :Mr.A.Balaji

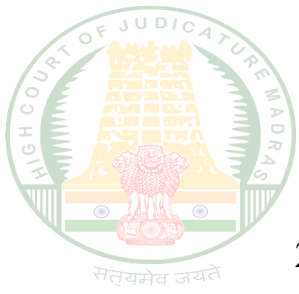
For R1 to R3 :Mr.M.Sarangan

Additional Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

This Writ Appeal is filed by the respondents in the writ petition challenging the order, dated 21.10.2024, passed in W.P.(MD)No.12191 of 2016.



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2. The Writ Petition was filed for issuance of a Writ of Certiorarified Mandamus, to quash the order, dated 16.06.2016, by the 1st respondent by confirming the order, dated 27.07.2015, passed by the 2nd respondent.

3. The present writ appeal is preferred by the respondents 5 and 6 in the writ petition namely S.Jeyalakshmi (died), Nagarajan and Seetharaman. The writ petitioners are arrayed as respondents 4 to 7 in the present writ appeal. The contention of the writ petitioner is that the properties comprised in Natham S.No. 94/1 measuring an extent of 42 x 13 feet in Chinnakamman Patti Village of Sattur Taluk, belong to one Seeni Naicker. The said Seeni Naicker had constructed a house on the eastern side and kept the western side vacant for storing hay stock and cattle shed and other materials. The said Seeni Naicker had 6 sons. After his demise, his 6 sons had inherited the property jointly and there was an oral partition 60 years ago. The vacant site on the western side was left for using the same for common enjoyment among the co-owners. During Natham survey, the S.No.92/1 was subdivided and new survey numbers were allotted, wherein the vacant land was allotted S.No.65/2. When the vacant site was enjoyed by the petitioners and the 4th respondent jointly, the sons of the 4th respondent without the knowledge of the petitioners had applied to assign the said land in their favour after getting the market value and issue separate patta. The petitioner submitted an

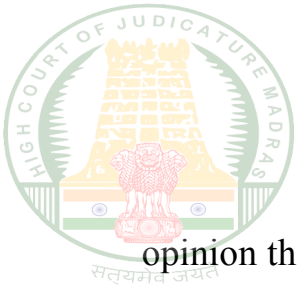


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objection, inspite of the same, the 3rd respondent recommended to the 2nd respondent to assign the said land in favour of the 4th respondent and on that basis the land was assigned the 4th respondent. Aggrieved over, the petitioner has preferred appeal to the 4th respondent and the same was dismissed. The 2nd respondent has not considered the objections of the writ petitioners. On these facts and circumstances of the case, the Writ Court has held that the property on the western is Natham land, which was in possession of the petitioner's predecessor-in-title. Therefore, the Writ Court has quashed the exclusive patta signed to the 4th respondent which was issued on payment of market value. Aggrieved over the same, the present writ appeal is preferred.

4. The contention of the appellants / respondents 5 and 6 are they were in absolute possession and enjoyment of property for several decades and it was never a joint enjoyment of the appellants and the respondents 4 to 6 and there is a misconception of facts. Further, the 3rd respondent has filed a report that the appellants wherein absolute possession and enjoyment of the property, based on the same the natham patta was issued on condition the appellants ought to pay Rs. 550 per square feet.

5. After hearing the rival submissions, this Court of the considered



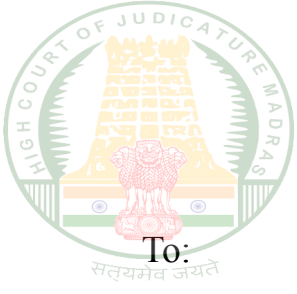
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opinion that if the contention of the appellant that the appellant was in continuous absolute possession is accepted, then the appellant is entitled to patta since the land in question is natham. But the official respondents had assigned the land after collecting amount based on market value, which itself would indicate that the appellants were not in occupation of the land. Further, originally the land belongs to one Seeni Naicker and the appellant had not denied the said fact, hence it is proved that the land belongs to the predecessor in occupation namely the said Seeni Naicker. The Adangal extract would indicate the dispute land is vacant site, hence the averment of the petitioner that the said land was left vacant for the usage of the petitioner and 4th respondent is acceptable. Therefore, the Writ Court is absolutely right in quashing the order of the official respondents, which granted separate patta to the appellants. In the writ appeal the appellants had not raised any legally sustainable ground, hence, the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]
03.03.2025

Index : Yes / No

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