



W.P(MD)NO.4474 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :16.07.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.4474 of 2023
and
W.M.P(MD)No.4211 of 2023

M.Balamurugan

..Petitioner

.Vs.

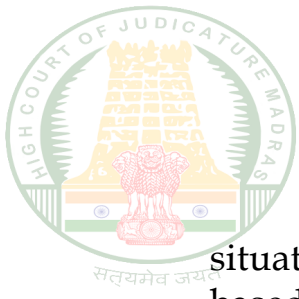
1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.The President,
Mallapuram Village Panchayat,
Peraiyur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the second respondent not to interfere in the peaceful possession and enjoyment of the Petitioner's property in Old.S.NO.242/1 and new S.No.795/2, to an extent of 1088 $\frac{3}{4}$ sq.ft



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situated at Mallapuram Village, Peraiyur Taluk, Madurai District
based on the Petitioner's representation, dated 7.12.2022.

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For Petitioner : Mr.G.Radhakrishnan

For Respondents : Mr.A.Baskaran,
1 and 2 Addl.Govt. Pleader

For Respondent-3 : No appearance

ORDER

The Writ Petition is filed seeking issuance of a Writ of Mandamus forbearing the second respondent from interfering with the peaceful possession and enjoyment of the Petitioner's property in Old.S.NO.242/1 and new S.No.795/2, to an extent of 1088 $\frac{3}{4}$ sq.ft situated at Mallapuram Village, Peraiyur Taluk, Madurai District by considering the Petitioner's representation, dated 7.12.2022.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the Petitioner, the above said property was purchased by the Petitioner's father under registered sale deed, dated 6.2.1992. and patta for the subject property was issued by the second respondent in the name of Petitioner's father in Patta No.1280. The Petitioner's father settled the subject property in



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favour of Petitioner under settlement deed, dated 7.9.2020. Thus the Petitioner has been in possession and enjoyment of the property. Therefore the Petitioner submitted a representation on 7.12.2022 seeking issuance of patta for 1088 $\frac{3}{4}$ sq.ft of land in the above mentioned survey number. The same has not been considered. In the meantime, third respondent attempted to lay road and drainage in Petitioner's property. Hence the Petitioner has come before this Court, with the present Writ Petition for the relief stated supra.

4.The second respondent filed a counter stating that though the Petitioner purchased 1088 $\frac{3}{4}$ sq.ft of land or 101.15 sq.mtrs of land as per his document, in new S.No.795/2, he was issued with patta only for 67 sq fts and the Petitioner had encroached an additional extent of 34.17 sq mtrs pathway in S.No.795/6, which is classified as 'Pathai'.

5.In view of the above said contention raised by the second respondent in the counter affidavit, this Court is inclined to direct the first respondent to consider the representation submitted by the Petitioner, dated 7.12.2022 and survey the subject property with reference to the title deed of the Petitioner and revenue documents. If the Petitioner is found to be in possession of the extent purchased by him in S.No.795/2, the first respondent shall



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pass appropriate orders for issuance of patta by rectifying the extent in the present patta. If the Petitioner is found to be in possession of lesser extent in S.No.795/2, it is for him to work out his remedy before Civil Court. On the other hand, if the Petitioner is found to be in possession of additional extent in S.No.795/6 which is classified as 'Pathai', it is open to the first respondent to take appropriate action against the Petitioner for his eviction under the provisions of Tamil Nadu Land Encroachment Act.

6.With these directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

16.07.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

1.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

2.The Tahsildar,
Peraiyur Taluk,

4/6



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Madurai District.

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3.The President,
Mallapuram Village Panchayat,
Peraiyur Taluk,
Madurai District.



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S.SOUNTHAR.,J.

vsn

ORDER MADE IN

W.P(MD)No.4474 of 2023

and

W.M.P(MD)No.4211 of 2023

16.07.2025