



W.P.(MD)No.4941 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

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CORAM

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.4941 of 2022

and

W.M.P.(MD)No.4060 of 2022

1.K.Palanichamy

2.K.Velu

3.K.Muthuram

: Petitioners

Vs.

1.The District Revenue Officer /

Additional District Quasi Judicial Officer,
Madurai.

2.The Tahsildar,

Vadipatti Taluk,
Madurai District.

3.S.Malaichamy

4.Thangaraj

5.Mookkan @ Pichai

6.A.Maharajan

7.A.Ramasamy

8.Panju @ Panchavarnam

9.K.Pichai

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent in Ni.Mu.No.14021/2015/G5 dated 18.06.2021, quash the same and consequently direct the second respondents to issue patta in the name of the petitioners and 9th respondent for their land in Survey No.130B/2 of Thethur Village, Vadipattai Taluk, Madurai District.

For Petitioner : Mr.K.Gokul
For Respondents 1 & 2 : Mr.M.Lingadurai,
Special Government Pleader
For Respondent No.3 : Mr.P.Balasubramanian
For Respondents Nos.4 to 7 : Mr.C.Vakeeswaran
For Respondent No.8 : No appearance
For Respondent No.9 : Service awaited

ORDER

The petitioner has challenged the order of the first respondent in Ni.Mu.No.14021/2015/G5 dated 18.06.2021.

2.Heard the learned Counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 & 2, Mr.P.Balasubramanian, learned Counsel for the third respondent and Mr.C.Vakeeswaran, learned Counsel for the

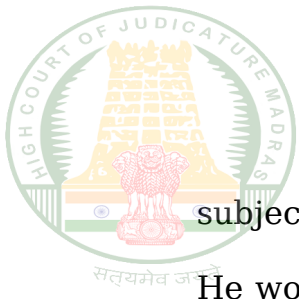


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respondents 4 to 7. Respondent No.8, despite service has not entered appearance. Similarly, the ninth respondent, who is the brother of the petitioner has also not appeared.

3.The case of the petitioner is that the petitioner claims right in respect of 19 cents in S.No.130N/2, contending that he had sold 10 cents to the third respondent and retained balance 19 cents and it is only in respect of 19 cents a dispute arose, which necessitated the first respondent to intervene. However, learned Counsel for the petitioner would invite my attention to the impugned order and contend that the first respondent has referred to a suit in O.S.No.32 of 2016, wrongly and citing pendency of the said suit has rejected the case of the petitioner. Learned Counsel for the petitioner would contend that said suit in O.S.No.32 of 2016 has been filed by the third respondent. In fact, the learned Counsel for the third respondent also fairly submits that the said suit has been filed to protect the property purchased by the third respondent from encroachers. Therefore, he would submit that the suit has nothing to do with the property alleged to have been retained by the petitioner.

4.Learned Counsel for the respondents 4 to 7 on the other hand would submit that the Tahsildar has inspected and filed a report stating that as many as 12 persons are in possession of the



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subject S.No.130B/2A, which pertains to 19 cents after sub-division.

He would also take me through the impugned order where there are two references to registered documents under which 12 persons claim. Therefore, learned Counsel would submit that the reasons given by the first respondent for arriving at an ultimate decision directing the petitioner to approach the competent Civil Court cannot be found fault with.

5.I do not find any force in the said submission of the learned Counsel for the respondents 4 to 7, regarding the suit filed by the third respondent. The suit in O.S.No.32 of 2016, at the instance of the third respondent does not pertain to S.No.130 B/2A, which has been rightly retained by the petitioner after sale of 10 cents to the third respondent. However, insofar as 19 cents which is claimed to be retained by the petitioner, the case of the rival claimants, has been discussed and ultimately the finding of the first respondent that the petitioner cannot seek remedy before the revenue authorities and has to approach the Civil Court is justified. However, the observations made by the first respondent may not be sustainable and hence, without being prejudiced by any of the observations made by the first respondent in the impugned order, the petitioner shall be at liberty to approach the competent Civil Court.



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6.With the above liberty, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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



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To

1.The District Revenue Officer /
Additional District Quasi Judicial Officer,
Madurai.

2.The Tahsildar,
Vadipatti Taluk,
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P.B.BALAJI., J.

MR

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