



W.P(MD)No.6084 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2025

CORAM

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Writ Petition(MD)No.6084 of 2025

T.Palanivel

... Petitioner

Vs

1.The District Collector,
District Collectors Office,
Trichy - 1,
Trichy District.

2.The Tahsildar,
Thiruverumbur Taluk Office,
Thiruverumbur,
Trichy District.

3.Jadamuni,

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents 1 and 2 herein to cancel the house site assignment order made in HSD.55/1432, dated 19.10.2022 on the file of the 2nd respondent herein in the light of petitioner's representation dated 13.02.2025 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.R.Sundar
For Respondents : Mr.S. Shaji Bino
Special Government Pleader
(For R1 and R2)



WEB COPY



W.P(MD)No.6084 of 2025

Mr.J.Jadamuni
Party in person (R3)

ORDER

The petitioner seeks issuance of a Writ of Mandamus to direct the respondents 1 and 2 to cancel the house site assignment order made in HSD.55/1432, dated 19.10.2022, on the file of the 2nd respondent.

2. The petitioner claims that he is the owner of the property measuring an extent of 0.40 cents, comprised in S.F.No.22/2, situated at Asoor Village, Thiruverumbur Taluk, Trichy District. He pleads that the Tahsildar initiated steps for removal of the alleged encroachment made by the petitioner and also for demolition of the superstructure constructed by the petitioner therein. Invoking the provision of the Land Encroachment Act, 1905, the Tahsildar also took possession of the property. Pleading that he had been forcibly dispossessed, W.P.(MD)No.8243 of 2013 had been filed before this court. The said writ petition was disposed of directing the petitioner to send a reply to the notice, with a further direction to the Tahsildar to pass appropriate orders on the merits of the claim of the petitioner.



W.P(MD)No.6084 of 2025

WEB COPY

3. The petitioner, thereafter, presented a suit in O.S.No.677 of 2021 on the file of the Principal Sub Court, Tiruchirappalli. This suit is for declaration of his title and for a permanent injunction restraining the State of Tamil Nadu, represented by the District Collector, Tiruchirappalli, and the Tahsildar, Thirverumbur, not to interfere with the peaceful possession and enjoyment of the petitioner. In the said suit, summons were served on the defendants. Despite the same, neither the District Collector nor the Tahsildar troubled themselves to defend the case.

4. The learned Principal Sub Judge, Tiruchirappalli, took up the matter for trial. He marked Exs.A1 to A7 and examined three witnesses, including the writ petitioner. After detailed analysis, the learned Principal Sub Judge came to the conclusion that the property being an “Occupied Grama Natham” does not vest with the Government but vests with the occupant. Consequently, the suit was decreed as prayed for with costs.

5. After having secured the decree from the civil court, the petitioner was comfortable with the occupancy of the lands. He was surprised to know that the second respondent had, pending litigation, granted a patta in favour of the third respondent in HSD No.55/1432 on 19.10.2022. Hence, this writ petition for the aforesaid relief.



W.P(MD)No.6084 of 2025

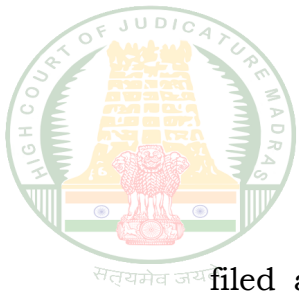
WEB COPY

6. When the matter came up for admission, Mr.S.Shaji Bino, learned Special Government Pleader, took notice for the respondents 1 and 2. I ordered notice to the third respondent. Summons have been served. Mr.S.Shaji Bino is ready with instructions, and the third respondent, Mx.Jadamuni, appears in person.

7. Mx. Jadamuni pleads that he is not in a position to engage a counsel on account of his financial situation and seeks permission to appear as a party-in-person. Though he has not made a formal application seeking permission, I am invoking the powers vested under Rule 10 of the High Court of Madras (Conduct of Proceedings by Party-in-Person) Rules, 2019, and I am permitting Mx. Jadamuni to appear in person.

8. I have heard Mr.K.Sundar, for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader, for the respondents 1 and 2 and Mx.Jadamuni, party-in-person.

9. The property involved in this writ petition is an “Occupied Grama Natham.” The second respondent had attempted to dispossess the writ petitioner from the property by invoking the provisions of the Land Encroachment Act. Claiming title to the property, the petitioner



W.P(MD)No.6084 of 2025

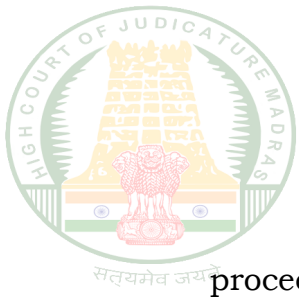
WEB COPY

filed a suit in O.S.No.677 of 2021 on the file of the Principal Sub Judge, Tiruchirappalli. The said suit had been decreed by the court, declaring that the plaintiff is the owner of the property, and the relief of injunction was also granted.

10. Pending the litigation, the third respondent, who is a person who requires special protection, filed an application for a grant of a house site. It was not considered. Hence, he came forward with a writ petition, seeking a house site patta at S.No.249/4, Nochivayal Puthur, Thiruverumbur Taluk, Trichy District, or any other site at “Thiruverumbur Taluk.” He further sought “ART Pension” and Antyodaya Anna Yojana (AAY), as he is a person who is entitled to a grant under the said scheme.

11. This court passed an order on 25.11.2021, directing the District Collector to take into consideration the case of the third respondent herein and examine his medical records and other details regarding his economic status and pass an order with respect to the extension of benefit under the “ART Pension” and Antyodaya Anna Yojana (AAY).

12. The order not having been complied with, contempt



W.P(MD)No.6084 of 2025

WEB COPY

proceedings was initiated by the third respondent herein. Despite the fact that a suit for title was pending, the second respondent had granted assignment of the property to the third respondent. The third respondent pleads that he is an innocent person and he was not aware of the litigation. Hence, he pleads for appropriate orders to be passed in this writ petition.

13. I have carefully considered the submissions of all sides.

14. The facts narrated above make it clear that the assignment has been made in favour of the third respondent pending litigation. Lis Pendens does not know of *bona fides*. Therefore, the third respondent cannot plead that he obtained the property from the second respondent without being aware of the pendency of the litigation, and therefore, the decree is not binding on him.

15. Apart from that, Section 52 of the Transfer of Property Act, 1882, does not make a difference whether the litigant is a State or a private party. The person who obtains the benefit of an immovable property pending litigation must be bound by the result of the litigation. To put it in clear terms, the third respondent having obtained an assignment patta pending litigation from the respondents



W.P(MD)No.6084 of 2025

WEB COPY

1 and 2, he is bound by the decree passed against the respondents 1 and 2. Therefore, the assignment made by the Government in favour of the third respondent, pending litigation, cannot be sustained when a decree has finally gone against the respondents 1 and 2.

16. Mr.S. Shaji Bino pleads that the Government contemplates to file an appeal against the judgment and decree in O.S.No. 677 of 2021.

17. Contemplation of filing an appeal or even an appeal that had been presented does not mean the decree can be gotten rid of it. I need not look far. As per Article 221 of the Constitution of India, full faith and credit should be given throughout the territory of India to all the judicial proceedings of the Union and every State. The Principal Sub Judge, being a court established under the Constitution of India, the decree passed by him deserves full faith and credit as required by this provision. Hence, this writ petition has to succeed.

18. The assignment that has been made by the second respondent in favour of the third respondent in HSD No. 55/1432 dated 19.10.2022 is set aside. The Mandamus as sought for is granted.



W.P(MD)No.6084 of 2025

WEB COPY

19. If I were to stop with merely setting aside the house site patta, on the basis of Article 26 of the Constitution of India and the concept of Lis Pendens, I would be throwing out person like the third respondent, who, due to of circumstances beyond his control, is not in a position to carry on with his life normally, is entitled to full protection under Articles 14, 19, and 21 of the Constitution of India.

20. Furthermore, he was benefited with an order passed by this Court in W.P.(MD)No. 21031 of 2021, dated 25.11.2021, for grant of assignment. Hence, there shall be a direction to the respondents 1 and 2 to find out a suitable and alternative site that belongs to the State of Tamil Nadu for the purpose of granting assignment in favour of the third respondent. The third respondent has already been found to be entitled to the benefit of the house site assignment as well as under the “ART Pension” and Antyodaya Anna Yojana (AAY). The respondents 1 and 2 need not delay the proceedings further. The official respondents shall identify a suitable land and grant the house site to the third respondent forthwith and report to this court on or before 28.04.2025.

21. This writ petition is ordered accordingly. No costs.



W.P(MD)No.6084 of 2025

22. Call the matter on 28.04.2025 for reporting compliance.

WEB COPY

03.04.2025

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

To

1. The District Collector,
District Collectors Office,
Trichy - 1,
Trichy District.

2. The Tahsildar,
Thiruverumbur Taluk Office,
Thiruverumbur,
Trichy District.

3. Jadamuni,
S/o.Jayaraman,
No.114/b, Kudiana Street,
Nochivayal Puthur,
Thiruverumbur Taluk,
Trichy District.



WEB COPY



W.P(MD)No.6084 of 2025

V.LAKSHMINARAYANAN, J.

skn

Writ Petition(MD)No.6084 of 2025

03.04.2025