



W.P.(MD) Nos.10001 & 10338/2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) Nos.10001 & 10338 of 2023

P.Muthuchamy ... Petitioner in W.P.(MD) No.10001/2023

M.Rani ... Petitioner in W.P.(MD) No.10338/2023

Vs

1 The District Revenue Officer,
Collectorate,
Theni.

2 The Sub Collector,
Periyakulam Taluk,
Theni.

3 The Tahsildar,
Periyakulam Taluk,
Theni District.

4. Mahaboobabegam .. Respondents in both W.Ps.

(Respondent No.4 is impleaded vide order
of the Court, dated 04.02.2025, in
W.M.P.(MD) Nos.12771 & 12759/2023
in W.P.(MD) Nos.10001 & 10338/2023)



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PRAYER: W.P.(MD) No.10001 of 2023 is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to forthwith conduct survey, measurement, fix boundaries and issue patta to the petitioner in respect of an extent of 1.22 acres in Survey Nos.562/1 and 1.64 acres in Survey No.562/3 in all 2.86 acres situated in Keela Vadakarai Village, Periyakulam Taluk, Theni District, as per the Deed of Assignment, executed by the Assistant Commissioner (Land Reforms), Madurai – 2, in Ref.MR IV/348/PKM/B1, dated 25.07.2005.

PRAYER: W.P.(MD) No.10338 of 2023 is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents to forthwith conduct survey, measurement, fix boundaries and issue patta to the petitioner in respect of an extent of 3 acres in Survey Nos.562/3, situated in Keela Vadakarai Village, Periyakulam Taluk, Theni District, as per the Deed of Assignment, executed by the Assistant Commissioner (Land Reforms), Madurai – 2, in Ref.MR IV/348/PKM/B1, dated 25.07.2005.



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For Petitioner in both W.Ps. : Mr.K.Appadurai

For Respondents 1 to 3 in both W.Ps.: Mr.B.Saravanan,
Addl. Govt. Pleader.

For Respondent 4 in both W.Ps.: Mr.G.Kannan

COMMON ORDER

These Writ Petitions have been filed seeking a writ of mandamus, directing the official respondents to conduct survey, measurement, fix boundaries and, thereafter, issue patta to the petitioners for the subject properties.

2. The petitioners claim patta under the Deed of Assignment, dated 25.07.2005, and also claim to be in possession and enjoyment of the subject lands, pursuant to the assignment in their favour way back on 25.07.2005.

3. However, the learned Additional Government Pleader, on instructions, would submit that the subject lands are classified as "surplus lands" under the Land Reforms Act and, therefore, the very claim of the petitioners under the alleged assignment deed, dated 25.07.2005, is doubtful.



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4. Without going into the merits, I direct the second respondent to consider the claim of the petitioners, in pursuance of the proceedings of the third respondent – Tahsildar in Na.Ka.No.1621/2022/A2, dated 25.07.2022. The petitioners are at liberty to furnish all relevant documents, under which they make their claim for issuance of patta. The second respondent shall consider the said documents and also the factum of the lands being classified as "surplus lands" under the Land Reforms Act and pass final orders on merit and in accordance with law within a period of eight weeks from the date of receipt of copy of this order, after affording an opportunity of hearing to the petitioners and also the fourth respondent, who claims to have interest over the subject lands.

5. Writ Petitions are disposed of accordingly. No costs.

04.02.2025

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

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P.B.BALAJI, J.

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