

W.P.(MD)No.12986 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM

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

W.P.(MD)No.12986 of 2023

and

W.M.P.(MD)Nos.10992 & 10994 of 2023

1.M.Jansi

2.M.Gladwin

3.M.Brigit

4.M.J.M.Jali Jerald

5.M.Terance

: Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary, Revenue Department,
Secretariat, Fort St. George,
Chennai.

2.The Assistant Settlement Officer (South),
Office of the Commissioner,
Land Survey and Settlement Department,
Chepauk, Chennai.

3.The Assistant Director of Survey & Settlement,
Thoothukudi District,
Thoothukudi.



W.P.(MD)No.12986 of 2023

4.The Tahsildar,
Thoothukudi Taluk,
Thoothukudi District.

5.The Congregation of the Brothers,
of the Sacred Heart of Jesus through its
President, The Superior General,
Tirunelveli.

6.The Superior and Correspondent,
of St.Mary's Institutions,
Millerpuram, Tuticorin – 8.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for the records of the second respondent's impugned order in Na.Ka.A1/2041/2019 dated 14.06.2022 and quash the same as devoid of merits and consequently directing the second respondent to grant patta for the properties in Old Survey No.494B/1B2 part, Town Survey No.15, 16, 17, Ward No.C, Block No.31, an extent of 7 ½ cents in Meelavittan II Village, Tuticorin Taluk, Tuticorin District, within the period stipulated by this Court.



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W.P.(MD)No.12986 of 2023

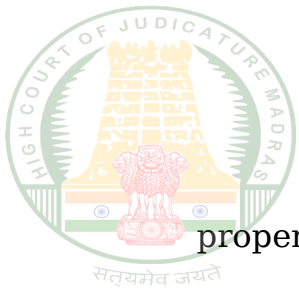
For Petitioner : Mr.A.Haja Mohideen
For Respondents 1 to 4 : Mr.M.Lingadurai,
Special Government Pleader
For Respondent No.5 : Mr.P.Jessi Jeeva Priya
For Respondent No.6 : No appearance

ORDER

Heard the learned Counsel for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader appearing for the respondents 1 to 4 and Mrs.P.Jessi Jeeva Priya, learned Counsel appearing for the fifth respondent.

2.The petitioner submits that the impugned order has been passed without application of mind and ignoring the very contention of the petitioner that the petitioner is in occupation of government lands and not private property. He would further submit that the petitioner only seeks patta recognizing his possession of subject lands and there can be no impediment for the revenue authorities to pass orders on the petitioner's application for recognizing his possession and issuing patta.

3.Learned Counsel for the fifth respondent would further submit that already suits have been laid for the very same subject



W.P.(MD)No.12986 of 2023

property and therefore, unless the Civil Court finally adjudicates the disputes between the parties, the petitioner's application for patta cannot be entertained. She further submits that there is no infirmity in the impugned order directing the petitioner to workout his remedy before the Civil Court. Learned Counsel would also submit that the impugned order was passed after affording full opportunity to the parties and being a well considered order, it does not warrant interference.

4.I have considered the submissions of the learned Counsel and I have also gone through the impugned order and the other documents on which reliance is placed on by the learned Counsel for the petitioner.

5.The second respondent has considered the respective contentions advanced by the petitioner as well as the private respondents and has ultimately found that the Civil Court is adjudicating the subject matter in dispute in O.S.No.86 of 2019, on the file of the Additional District Judge, Tuticorin and therefore, it would be appropriate for the parties to await the final decision in the civil litigation. I am unable to countenance the submission of the learned Counsel for the petitioner that merely recognizing the petitioner's possession, patta should be granted to the petitioner.



W.P.(MD)No.12986 of 2023

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6.The subject matter of the lands in dispute is being agitated by the respective parties in a substantive suit for declaration and recovery of possession in O.S.No.86 of 2019, on the file of the Additional District Judge, Tuticorin. Therefore, I do not find any perversity in the order passed by the second respondent, which is challenged in the present Writ Petition. Hence, I do not find any merit in the contentions advanced by the petitioner, challenging the impugned order and the Writ Petition deserves to be dismissed.

7.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.03.2025

Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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W.P.(MD)No.12986 of 2023

To

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W.P.(MD)No.12986 of 2023

P.B.BALAJI., J.

MR

W.P.(MD)No.12986 of 2023

06.03.2025