



W.P.(MD)No.13479 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

CORAM:

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

W.P.(MD).No.13479 of 2023

Pavalamallika

... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Tiruchirapalli District.
2. The Revenue Divisional Officer (RDO),
Tiruchirapalli Taluk,
Tiruchirapalli District.
3. The Tahsildar,
Tiruchirapalli Taluk,
Tiruchirapalli District.

... 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 3rd respondent to consider the petitioner's representation dated 02.05.2023 and consequently direct the 2nd respondent to add my land details in the Revenue Records of the 2nd respondent and issue computerized patta for his land in Darkasth Patta No.203/83 and survey No.60/3G in Chenkulam Village, Tiruchirapalli Taluk & District.



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For Petitioner : Mr.P.Muthu Vijaya Pandian

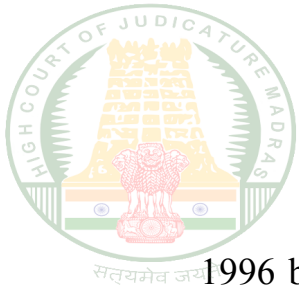
For Respondents : Mr.B.Saravanan
Government Advocate

ORDER

Considering the limited relief sought for in the writ petition, with the consent of the parties, the writ petition itself is taken up for final disposal.

2. The petitioner has filed the present writ petition seeking issuance of writ of mandamus to direct the 3rd respondent to consider the petitioner's representation dated 02.05.2023 and consequently, issue a computerized patta for Darkasth Patta No.203/83 comprised in Survey No. 60/3G in Chenkulam Village, Tiruchirapalli Taluk & District.

3. The case of the petitioner is that since the revenue officials attempted to disturb the petitioner's peaceful possession and enjoyment of the subject lands, the petitioner was constrained to file O.S.No.114 of



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1996 before the District Munsif Court, Tiruchirapalli. The said suit came to be decreed upholding the rights of the writ petitioner. However, an appeal was preferred in A.S.No.54 of 1998 and the 1st Appellate Court reversed the judgment and decree of the Trial Court. Aggrieved by the same, the petitioner preferred the second appeal in S.A.No.1222 of 1999 before this Court and the second appeal came to be allowed thereby confirming the Judgement and Decree of the trial Court granting permanent injunction to the writ petitioner. It is thereafter that the petitioner has requested for issuance of computerized patta in his name pertaining to the Darkasth Patta No.203/83 comprised in Survey No.60/3G in Chenkulam Village, Tiruchirapalli Taluk & District. It is in this regard that the petitioner has sent a representation on 02.05.2023.

4. The learned counsel appearing for the petitioner therefore, submits that there is no impediment for considering the petitioner's representation dated 02.05.2023 for issuing patta as the respondents have contested a suit filed by the petitioner and finality has also been reached before this Court in S.A.No.1222 of 1999.



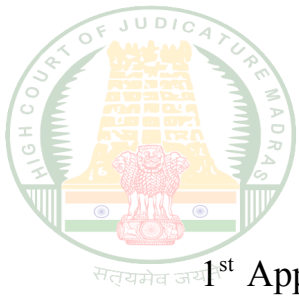
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5. Per contra, learned Government Advocate appearing for the respondents would submit that the revenue records in respect of Darkasth Patta No.203/83 comprised in Survey No.60/3G in Chenkulam Village, Tiruchirapalli Taluk & District are classified as 'sengulam eri' and therefore, the subject property being the water body, the petitioner is not entitled to patta.

6. Heard the learned counsel on either side and perused the materials available on records.

7. However, I find that the grounds on which the 1st Appellate Court reversed the judgement of the Trial Court was only because the subject survey number was classified as 'Eri Poramboke'. However, the said issue has been considered by this Court while disposing of the Second Appeal in S.A.No.1222 of 1999 and it was held that even if wrong assignment was made on the patta issued, it can be cancelled only by following due process of law and not otherwise. Findings that the writ petitioner has proved his physical possession, this Court reversed the findings of the



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1st Appellate Court and confirmed the judgment and decree of the Trial Court granting permanent injunction in favour of this writ petitioner.

8. Therefore, when the specific issue has been addressed by the defendants in the earlier litigation and they have been unsuccessful, it is not open to the respondents to now deny patta to the writ petitioner especially when their case that the documents on which the petitioner placed reliance were forged was dis-believed by this Court. In view of the above, the petitioner is entitled to issuance of computerized patta in terms of the judgment and decree of the Second Appeal in S.A.No.1222 of 1999. The 3rd respondent shall therefore, consider the petitioner's representation dated 02.05.2023 in the light of the S.A.No.1222 of 1999 and thereafter issue patta to the petitioner in respect of Darkasth Patta No. 203/83 comprised in Survey No.60/3G in Chenkulam Village, Tiruchirapalli Taluk & District. If it is the case of the authorities that the subject survey numbers is classified as water bodies and therefore, the petitioner's right cannot be recognized over the same, it shall only be open to the respondents to take recovery to due process of law independently and as long as the physical possession being with the petitioner has been



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confirmed up to this Court, it is not open to the authorities to refuse the rights of the petitioner to patta.

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9. The writ petition is disposed of with the above observations and directions. No costs.

13.03.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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To

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P.B.BALAJI, J.

rgm

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