



W.P.(MD)No.16380 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.16380 of 2023

and

W.M.P(MD)No.13712 of 2023

1.R.Muralidharan
2.R.Kannan

.... Petitioners

/Vs./

1.The District Revenue Officer,
O/o.The District Collectorate Campus,
Virudhunagar,
Virudhunagar District.

2.The Revenue Divisional officer,
O/o.The Revenue Divisional Office,
Sivakasi,
Virudhunagar District.

3.The Tahsildar,
O/o.The Tahsildar,
Rajapalayam,
Virudhunagar District.

4.The Executive Officer,
Town Panchayat,
Chettiyarpatti,
Rajapalayam Taluk,
Virudhunagar District.
(The fourth respondent is newly



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impleaded as per the order of this
Court dated 24.02.2025)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to mutate the patta in the name of the petitioners in Old Survey No.324/1 and New Survey o. 467/15 & 16 situated at Kommandhapuram, Chettiarpatti Village, Rajapalayam Taluk, Virudhunagar District by considering the petitioner's representation dated 18.05.2023.

For Petitioner : Mr.H.Mohammed Imran

For Respondents : Mr.S.Kameshwaran
Government Advocate

ORDER

The application in W.M.P(MD)No.13988 of 2023 has been filed to implead the Executive Officer, Town Panchayat, Chettiyarpatti, Rajapalayam Taluk, Virudhunagar District as fourth respondent in the writ petition.

2. I have gone through the affidavit in support of the application and the impleading application has been necessitated, in view of the fact that the proposed respondent has claim ownership over the disputed



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property. Therefore, in the interest of justice, the application has to be necessarily allowed. Accordingly, the application is allowed and the Executive Officer, Town Panchayat, Chettiyarpatti, Rajapalayam Taluk, Virudhunagar District is impleaded as fourth respondent in the writ petition.

3. I have heard the learned counsel appearing for the petitioner and Mr.S.Kameswaran, learned Government Advocate appearing for the official respondents 1 to 4.

4. The petitioner, placing reliance on the Settlement Officers proceedings and also the subsequent orders that have been passed in the appeal and which has been confirmed by the District Revenue Officer, the first respondents, states that in respect of the three survey numbers, the petitioner had claimed right and based on the orders of the first respondent confirming the settlement officers proceedings, patta has already been mutated in respect of one survey number, namely 467/11. However, he would submit that in respect of other two survey numbers 467/15 & 467/16, the petitioners representation has not been acted upon.



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5. Per contra, Mr.S.Kameshwaran, learned Government Advocate appearing for the respondents would submit that survey numbers 467/15 and 467/16 are Government Poramboke lands and therefore, the patta cannot be mutated in favour of the petitioner and further a public toilet has been constructed in a portion of the property and other portion of the property is used as a pathway by the general public.

6. Be that as it may, the petitioner has claimed right of mutation in his name only based on the Settlement Officers' proceedings dated 27.10.1994 and also the order passed by the first respondent confirming the order of the Settlement Officer on 09.06.1995 confirming the Settlement Officers proceedings dated 27.10.1994. It is also seen that the Civil Suit has been filed by the Town Panchayat in O.S.No.518 of 1994 and the same was dismissed for default and the matter has attained finality. Parallely, the suit filed in O.S.No.483 of 1994 by the petitioners vendor came to be decreed on 26.02.2003 and same was also unsuccessfully challenged by the Town Panchayat in A.S.No.71 of 2003 which was dismissed by the judgment and decree dated 25.11.2005. Therefore having been parties to the earlier litigation, it is not open to the



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Town Panchayat to claim any right over the subject property, after suffering the above mentioned decree.

7.Be that as it may, the petitioners' request based on the proceedings of the Settlement Officer as well as the District Revenue Officer, patta has been mutated in respect of one survey numbers, namely 469/11. That being the position, there is no impediment for the respondents to also pass orders in respect of the other two survey numbers 467/15 and 467/16. The third respondent shall consider the application of the petitioner dated 18.05.2023 for issuance of patta in respect of new survey numbers 467/15 and 467/16, in accordance with law on its own merits within a period of twelve weeks, after hearing the objections of the fourth respondent.

8. With the above direction, the writ petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
am

24.02.2025



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P.B. BALAJI, J.

am

Order made in
W.P.(MD)No.16380 of 2023

Dated:
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