



W.P.(MD) No.26600 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD) No.26600 of 2022

R.Thirugnanam

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Petitioner

Vs

1 The District Collector,
Collector Office,
Vallam Road,
Thanjavur District.

2 The District Registrar (Administration),
District Registrar Office,
Kumbakonam,
Thanjavur District.

3 The Sub Registrar,
Swamymalai,
Kumbakonam,
Thanjavur District.

4 The Tahsildar,
Tahsildar Office,
Kumbakonam,
Thanjavur District.

5 R.Ramkumar.

6 C.Thamaraiselvan

...

Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the 1st respondent to consider the petitioner's representation, dated 25.09.2022, and consequently to direct the 3rd respondent not to issue patta in favour of 5th and 6th respondents herein in document No.1323 of 2022, dated 02.05.2022, for the property situated at Survey No.43/2B of an extent of 0.42.00 Ares part (2,700 Sq.mt) (29,063 Sq.ft), situated at Thenpaathi Village, Sundaraperumal Kovil, Kumbakonam, Thanjavur District.

For Petitioner : Mr.T.R.Subramanian

For Respondents 1 to 4 : Mr.M.Gangatharan,
Govt. Advocate.

For Respondents 5 & 6 : Mr.B.Rooban

ORDER

The petitioner herein seeks issuance of writ of mandamus, directing the first respondent to consider his representation, dated 25.09.2022, and consequently issuing a direction to the third respondent not to issue patta in favour of respondents 5 and 6, based on document No.1323 of 2022, dated 02.05.2022, in respect of the property situated in Survey No. 43/2B with an extent of 0.42.00 Ares, at Thenpaathi Village, Sundaraperumal Kovil, Kumbakonam, Thanjavur District.



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2. According to the petitioner, he is the owner of the property situated in Survey No.43/2A at Thenpaathi Village, Sundaraperumal Kovil, Kumbakonam, Thanjavur District. The adjacent property in Survey No.43/2B is a punja agricultural land, belonging to the petitioner's brother. He sold the property in favour of respondents 5 and 6 under a registered Sale Deed No. 1323 of 2022, dated 02.05.2022. It is the case of the petitioner that respondents 5 and 6 attempted to construct a factory in the agricultural land purchased by them from the brother of the petitioner in Survey No.43/2B. It is the specific case of the petitioner that the construction of factory in the land classified as agricultural land, that too in protected agricultural zone, is not permissible. Therefore, the petitioner submitted a representation before the second respondent on 11.05.2022, seeking cancellation of the registered document in favour of respondents 5 and 6. The petitioner also submitted a representation before the first respondent on 25.09.2022, requesting him not to mutate revenue records, based on the registered sale deed in favour of respondents 5 and 6.

3. From the averments found in the affidavit and also the representations submitted by the petitioner before respondents 1 and 2, it is clear that the petitioner apprehends that the purchasers of his brother's property, namely, respondents 5 and 6 would construct a factory in the



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agricultural land purchased by them. The apprehension of the petitioner is the basis for his request for cancellation of the registered sale deed in favour of respondents 5 and 6. Further, the second respondent is not the authority to cancel the registered document. If the petitioner is so advised, it is for him to work out his remedy in a civil suit in respect of the subject property standing in the name of respondents 5 and 6. The first respondent cannot instruct his subordinate officials not to mutate revenue records in favour of respondents 5 and 6, when registered document stands in their name. As far as the apprehension of the petitioner regarding the conversion of the user from agricultural to industrial purpose is concerned, if respondents 5 and 6 take steps to instal any industry in the agricultural land purchased by them, it is for the petitioner to object to the same before the appropriate authority against conversion or reclassification of the land. The relief sought for in this Writ Petition regarding cancellation of the registered document in favour of respondents 5 and 6 and mutation of revenue records cannot be entertained by this Court.

4. Accordingly the Writ Petition stands dismissed. No costs.

11.06.2025



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

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S.SOUNTHAR, J.

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