

W.P.(MD)No.25989 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

CORAM

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

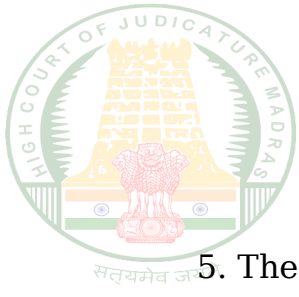
W.P.(MD)No.25989 of 2024

Balamurugan

: Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Office of the District Revenue Office,
Collectorate,
Virudhunagar.
3. The District Registrar,
Registration Department,
Virudhunagar.
4. The District Backward Class Welfare Officer,
Virudhunagar,
Virudhunagar District.



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5. The Special Tahsildar,
Land Acquisition,
Virudhunagar.

6. The Tahsildar,
Sivakasi,
Virudhunagar District.

: 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 relating to the impugned order passed by the sixth respondent in Na.Ka.Aa1/7923/2023 dated 24.01.2024 and quash the same as illegal and consequently direct the sixth respondent to issue patta in favour of the petitioner in respect of the property comprised in Survey No.19/4B to an extent of 82 cents situated at Velloor Village, Thiruthangal Taluk Virudhunagar District.

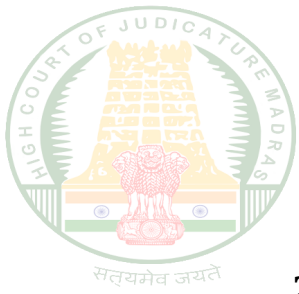
For Petitioner : Mr.A.Manikandan

For Respondents 1 to 6 : Mr.B.Saravanan,

Additional Government Pleader

ORDER

The petitioner has sought for issuance of a Writ of Certiorarified Mandamus, challenging the impugned order dated 24.01.2024 in Na.Ka.Aa1/7923/2023.



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2.In and by the said order, the sixth respondent has rejected the petitioner's application for issuance of patta. The petitioner has placed reliance on the judgment and decree in O.S.No.108 of 2014 in favour of the petitioner. The specific contention in the affidavit as well as the grounds of challenge is that the decree has become final.

3.However, it is the specific case of the learned Additional Government Pleader that decree in O.S.No.108 of 2014 has been challenged by way of first appeal and the same is pending in condonation of delay stage.

4.Learned Additional Government Pleader would also bring to my notice the earlier order of this Court in W.P.(MD)No.21307 of 2016 dated 21.07.2022, where the father of the writ petitioner approached this Court on the very same set of facts and sought for disciplinary action to be taken against the officials.

5.In the said Writ Petition, this Court found that the petitioner's mother was not entitled to re-conveyance and in fact the property was sold by a registered sale deed and therefore, the petitioner therein ie., the father of the petitioner, cannot challenge in violation of the conditions and it was open to the authorities alone to



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take necessary proceedings in the event of any violation being noticed. This Court also took note of the fact that the mother of the petitioner conveyed the property to the petitioner. Therefore, when the very same issue has been agitated and merely because subsequently suit has been decreed in O.S.No.108 of 2014, the petitioner cannot claim issuance of patta, especially when the judgment and decree in O.S.No.108 of 2014, has been challenged by way of first appeal.

6.Learned Counsel for the petitioner would submit that the appeal is yet to be numbered and therefore, there can be no impediment for the authorities to consider the petitioner's application for issuance of patta in respect of the remaining 82 cents, after disallowing 60 cents which has been taken over by the Government, that too by way of sale deed. However, it is seen that admittedly sale deed executed by the petitioner's mother was not in respect of the entire 1 acre 42 cents but only 60 cents. This was the specific contention taken by the petitioner in the suit and the suit was decreed on 13.11.2019, holding that what was conveyed was only 60 cents and not entire extent of 1 acre and 42 cents. It appears that even in the said suit, the official respondents have not even chosen to take up the matter seriously and test the matter. No witnesses were examined, no documents were filed on the side of the



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respondents.

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7. Though the learned Counsel for the petitioner states that the appeal was preferred only after the present Writ Petition came to be filed and therefore, the respondents should be called upon to obey the decree suffered by them in O.S.No.108 of 2014. I am able to countenance the said submission for the simple reason that this Court has already gone into the effect of the said suit in O.S.No.108 of 2014, while disposing of W.P.(MD)No.21307 of 2016 and has clearly held that the writ petitioner therein had set up his major sons to file the said suits. The said order in the Writ Petition was much after the suit came to be disposed of in the year 2019.

8. Therefore, I do not see any change in circumstances, especially considering the fact that though belatedly, the appeal has been preferred by the respondents. In view of the above, I do not find any merit in the present circumstances, to entertain the petitioner's request for patta. It shall be open to the petitioner to renew his application, once there is finality insofar as the judgment and decree in O.S.No.108 of 2014.



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9. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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Index : Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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P.B.BALAJI., J.

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