

W.P.(MD)No.31200 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.03.2025

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THE HONOURABLE MR.JUSTICE **P.B.BALAJI**

W.P.(MD)No.31200 of 2024

and

W.M.P.(MD)Nos.26168 and 26169 of 2024 and 5255 of 2025

Sri Jayajothi and Company Private Limited,
represented by its Senior Manager (Administration),
O.E.Division, S.Radhakrishnan,
Virudhunagar District. ... Petitioner

vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Judicial Magistrate cum Revenue Divisional Officer,
Aruppukottai, Virudhunagar District.

3.The Tahsildar,
Aruppukottai, Virudhunagar District.

4.The Zonal Deputy Tahsildar,
Aruppukottai VI,
Virudhunagar District.

5.Vijayarajan

6.Radhakrishnan

7.Sakthivel

8.Sambath Arasu

9.Govindaraj

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari Mandamus, to call for the records relating to the impugned order in T.R.:2023/0103/26/208815TR dated 30.08.2023 on the file of the 4th respondent read along with the impugned order in Pa.Mu.Aa1/L16/292/2024, dated 22.11.2024 on the file of the second respondent and to quash the same as illegal and consequently, to direct the respondents No.1 to 4 to restore the individual patta in Patta No.1677 of the petitioner's company with respect to S.F.No.225/4B1 of Soolakarai Village, Aruppukottai Taluk, Virudhunagar District within a stipulated time as may be fixed by this Court.

For Petitioner	:Mr.A.N.Ramanathan
For R1 to R4	:Mr.M.Lingadurai Special Government Pleader
For R6 and R8	:No appearance
For R5 and R7	:Died
For R9	:Mr.P.Arun Jayatram

ORDER

The petitioner challenges the impugned order of the second respondent in Pa.Mu.Aa1/L16/292/2024, dated 22.11.2024 along with earlier impugned order, dated 30.08.2023 on the file of the fourth respondent.



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2.I have heard Mr.A.N.Ramanathan, learned Counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader for the respondents 1 to 4 and Mr.P.Arun Jayatram, learned Counsel for the ninth respondent.

3.The case of the petitioner company is that they have purchased lands in S.F.No.225/4, Soolakarai Village, Aruppukottai Taluk, Virudhunagar District and out of the entire extent of 2 acres 63 cents, an extent of 25.25 cents was purchased separately vide sale deed, dated 18.01.2007 in Doc.No.619/2007 from the 8th respondent. The remaining extent was purchased by the company under a sale deed, dated 23.04.2007 in Doc.No.1846/2007. The petitioner company has also been granted patta on 26.08.2022 and the petitioner has been in possession of the property purchased under the two documents.

4.It is the specific case of the petitioner that both sides of S.F.No. 225/4B1, which is the disputed passage portion belongs to the petitioner and nobody else has any access to the same. However, the 9th respondent



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along with his brother while forming a lay out have shown the said 25.25 cents as a pathway and sold plots, as if there is an approach road from the highways to the said lay out. In respect of the action of the 9th respondent and his brother, a Writ Petition was filed before this Court in W.P.(MD)No.11123 of 202 seeking action to be taken. The said Writ Petition is still pending. However, an interim order was passed directing the private respondents not to project the subject lands portion as a road for the lay out formed by them in any form of advertisement.

5. According to the learned Counsel for the petitioner, the said interim order is still in force. In the meantime, the petitioner aggrieved by the issuance of patta including the name of the 9th respondent without notice to the petitioner, preferred an appeal to the second respondent and it is his specific contention that the legal heirs of the respondents 5 to 7 stated that they have no objection for restoring patta in the name of the petitioner company, as they have sold the property already. However, the 9th respondent, who claims to have right over the pathway for accessing the lay out, contested the appeal and the second respondent after discussing the respective contentions of the parties has rejected the



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petitioner's application merely citing the pendency of W.P(MD)No.11123 of 2023 by the impugned order, dated 22.11.2024.

6.The learned Counsel for the petitioner submits that the manner in which patta issued in favour of the 9th respondent raises serious suspicion stating that based on an application made on a particular day, a report was called from the Field Officer on the same day and orders were also passed on the very same day and therefore, he submits that all is not well with the procedure adopted by the fourth respondent.

7.I have gone through the impugned orders and also gone through the affidavit filed in support of W.P.(MD)No.11123 of 2023.

8.The prayer in W.P.(MD)No.11123 of 2023 is only for issuance of a Writ of Mandamus to direct the respondents 2 and 3, namely, the Deputy Director of Town and Country Planning and the District Collector to take action against the private respondents based on a complaint, dated 23.12.2022. The pendency of the said Writ Petition does not in any way impede the present application for cancellation of



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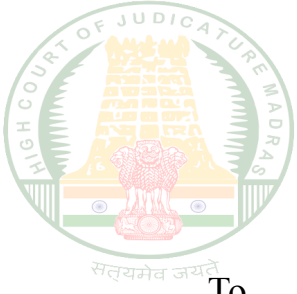
patta including the name of the 9th respondent. The Writ Petition filed by the petitioner is independent of the relief, that has been sought for before the revenue authorities and therefore, the order of the second respondent rejecting the petitioner's application merely citing the pendency of the Writ Petition in W.P.(MD)No.11123 of 2023 is clearly unsustainable.

9.In the result, the Writ Petition is allowed and the impugned orders are set aside and the matter is remitted to the second respondent, who shall consider the matter afresh, after hearing not only the petitioner, but also the 9th respondent and shall pass considered orders on merits, and in accordance with law. The said exercise shall be carried out within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

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

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P.B.BALAJI, J.

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