



W.P.(MD)No.13476 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.13476 of 2021

Mukayee

... Petitioner

vs.

1.The District Collector,
Office of the District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Pudukkottai District.

3.The Tahsildar,
Gandharvakottai Taluk Office,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein to restore back the petitioner name in respect of the assigned patta granted in the petitioner favour in respect of the lands comprised in S.No. 288/1 of an extent of 0.40.5 ares and in S.No.288/4 of an extent of 0.40.5 ares situated at Manjapettai village, Gandharvakottai Taluk, Pudukkottai District on the basis of the petitioner representation dated 12.04.2021 within the time stipulated time.



For Petitioner :Mr.B.Jameel Arasu
For Respondents :Ms.D.Farjana Ghoushia
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondents to restore the name of the petitioner in the assignment patta granted in favour of the petitioner with respect to the subject property in S.Nos.288/1 and 288/4 at Manjapettai village, Gandharvakottai Taluk, Pudukkottai District.

2.When the matter came up for hearing on 06.11.2023, this Court passed the following order:

“This Writ Petition has been filed seeking for a direction to the respondents to restore the name of the petitioner with respect to the assignment patta, that was granted in her favour regarding the property in S.Nos.288/1 and 288/4 at Manjampettai Village, Gandhavarkottai Taluk, Pudukkottai District based on the representation made by the petitioner on 12.04.2021.

2.The main ground that was urged by the learned Counsel for the petitioner is that the assignments were granted in favour of the petitioner and others through proceedings of the Tahsildar, dated 01.05.1975 and thereafter, all these assignments were unilaterally cancelled through proceedings of the Revenue Divisional Officer dated 08.05.2002. This proceedings became subject matter of challenge before this Court in W.P.(MD)No.245 of 2004 and the proceedings were quashed by this Court by order dated 20.02.2005 by granting liberty to the authority to afford



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opportunity to the concerned persons before cancelling the assignment patta.

3.The learned Counsel for the petitioner submitted that the said order passed by this Court will enure to this petitioner also. The learned Counsel for the petitioner also brought to the notice of this Court that in a judgment and decree passed in O.S.No.20 of 2004 that was filed by one of the assignees, a specific reference was made to the order passed by this Court in W.P.(MD)No.245 of 2004. The learned Counsel for the petitioner submitted that the Civil Court had given a finding that since the proceedings of the Revenue Divisional Officer dated 08.05.2002 was quashed by this Court, the effect of that will enure in favour of all the other persons, in whose favour assignment was made.

4.The learned Special Government Pleader appearing on behalf of the respondents seeks some time to get instructions in this regard.

5.Post this case under the caption “for orders” on 20.11.2023.”

3.When the matter was taken up for hearing today, the learned Special Government Pleader produced the written instructions received from the third respondent. The relevant portions in the written instructions are extracted hereunder:

“கந்தவர்கோட்டை தாலுகா, மஞ்சம்பேட்டை கிராம புல எண்கள் 288/1 மற்றும் 288/4 முறையே பரப்பு 0.41.0 ஏர்ஸ் கிராம கணக்குகளில் புஞ்சை தரிசு என்ற வகைபாட்டில் உள்ளது. மேற்படி வழக்கு தொடர்பாக புலத்தணிக்கை செய்ததில் வழக்கின் மனுதாரர் திருமது முக்காயி என்பவர் சுமார் 40 ஆண்டு காலமாக மேற்கண்ட புலத்தினை அனுபவம் செய்து வருகிறார் என்பது விசாரணையில் தெரிகிறது. மேற்படி புலத்தில் யூக்லடப்ஸ் பயிர்செய்துள்ளார். மேற்படி புலத்தினை மனுதாரின் அனுபவத்தை அடிப்படையாக கொண்டு அவரது பெயரில் பட்டா



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வழங்கலாம் என்பதால் பரிந்து செய்து கோட்டாட்சியர்
அலுவலகத்திற்கு அறிக்கை அனுப்ப நடவடிக்கை
மேற்கொள்ளப்படும்.□

4.It is clear from the written instructions that the petitioner was found to be in continuous possession and enjoyment of the subject property for nearly four decades and is also doing agricultural activities in the property and therefore, a recommendation has been made to restore the patta in the name of the petitioner with respect to the subject property.

5.In the result, this Writ Petition is disposed of with a direction to the second respondent to act upon the report submitted by the third respondent and to restore the patta in the name of the petitioner with respect to the subject property. This process shall be completed by the second respondent within a period of three months from the date of receipt of a copy of this order. No costs.

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

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N.ANAND VENKATESH, J.

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