

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2012

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.26493 of 2001

C.Arumugam

... Petitioner

-vs-

1.District Revenue Officer,
Cuddalore
Cuddalore District.

2.Revenue Divisional Officer
Cuddalore, Cuddalore District.

3.Tahsildar
Cuddalore,
Panruti Taluk, Cuddalore District.

4.Kaliyaperumal

5.Samikannu

... Respondents

Prayer : The Writ Petition filed under Article 226 of the Constitution of India for issue of Writ of Certiorari to call for the records of the respondents 1 to 3 herein, vide impugned order of the 1st respondent herein in her proceedings No.V3/90862/2000 dated 27.8.2001, in his proceedings No.Aa9.225/2000 dated 25.9.2000 and quash the same.

For Petitioner : No Appearance

For Respondents : Mr.K.Karthikeyan G.A., for R1 to R3
Mr.R.Gururaj - R4 & R5

O R D E R

It is seen that pursuant to the order passed by this Court on 22.07.2011, notice was directed to be served on the petitioner and his name is also printed in the cause list, however, there is no representation on behalf of the petitioner. Heard Mr.K.Karthikeyan, learned Government Advocate appearing for the respondents 1 to 3 and Mr.R.Gururaj, learned counsel appearing for respondents 4 & 5.

2.The petitioner in this Writ Petition has challenged the order passed by the respondents 1 to 3, by which the patta granted in favour of the petitioner in respect of the lands in Survey No.134/17 and 135/27.0.0080 sq.mtr., of Melkangeyam kuppam, Panruti Taluk, was cancelled.

3.The case of the petitioner is that his father Chinnapadaiyachi, purchased the land in R.S.No.141/6, measuring an extent of 7 cents, out of which 14 cents were classified as grama natham. Further, the petitioner claims that his father was in enjoyment of the entire extent of land and he has also been paying 'B' Memo charges and after the demise of his father, he being the sole legal heir, inherited the property and it is claimed by the petitioner that he is paying the required taxes to the Government.

4.It is submitted that the property remained as R.S.No.141/6 and 141/1 and they were merged with R.S.No.110 and at the time of filing the Writ Petition, different survey number was assigned and the lands were comprised in R.S.Nos.134/17 and 135/27. It is claimed that since the petitioner was in uninterrupted possession of the grama natham land, the patta was granted as per Patta No.28.

5.Respondents 4 & 5 appear to be persons who do not own lands, filed appeal against the said order before the second respondent. The second respondent after conducting enquiry, cancelled the patta granted in favour of the petitioner. A specific finding was also recorded that the petitioner is a rich pattadar and there was no permanent structure in the land and Patta granted to the petitioner as grama natham land, can be allotted to the landless poor. As against the order passed by the second respondent, the petitioner filed an appeal to the first respondent and the first respondent confirmed the order passed by the second respondent. Challenging these orders, the petitioner has filed this Writ Petition.

6.In the affidavit filed in support of the Writ Petition, the petitioner has pleaded that there is absolutely no bar for granting patta in favour of the petitioner and the reasons assigned by the authorities for cancelling the patta is erroneous since there is no bar for rich pattadar to seek for granting of patta in respect of grama natham land.

7.Though the respondents have been served, and they have entered appearance through counsel, no counter affidavit has been filed.

8.From the impugned order it is evidently clear that the petitioner owns large extent of land. That apart, it is seen that the second respondent conducted spot inspection and in the said inspection it was also found that there was no construction in the

lands, the petitioner was in possession of dwelling houses and he is also having cultivable lands. Further, the authorities concurrently held that the initial grant of patta in favour of the petitioner under the erstwhile scheme was erroneous and there was no jurisdiction for the authorities to grant patta.

9. Thus taking note of all the above facts, this Court is of the definite view that by exercising jurisdiction under Article 226 of the Constitution of India, this Court cannot re-appreciate the factual findings. That apart, when the petitioner is already owning dwelling houses and having huge extent of cultivable lands, he cannot as a matter of right insist that he should be granted patta in respect of Government lands classified as poramboke land or as grama natham. Thus the impugned orders call for no interference.

10. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/
Asst. Registrar

/true copy/

Sub Asst. Registrar

rpa

To

1. District Revenue Officer,
Cuddalore
Cuddalore District.

2. Revenue Divisional Officer
Cuddalore, Cuddalore District.

3. Tahsildar
Cuddalore,
Panruti Taluk, Cuddalore District.

1 cc To Mr. R. Gururaj , Advocate, SR.71996

1 cc To The Government Pleader, SR.71601

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