



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2015

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.(MD).No.12456 of 2015

and

M.P.(MD)No.1 of 2015

T.Ramani Gopaal

:Petitioner

vs.

1. The District Collector,
Madurai District,
Madurai.

2. The District Revenue Officer,
O/o.District Revenue Officer,
Madurai District, Madurai.

3. The Tahsildar,
Tahsildar Office,
Melur Taluk,
Madurai District.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, directing the respondent No.3 to effect necessary mutation in all the revenue records such as Patta, Chitta, 'A' register and Village Adangal in the name and ownership of the petitioner for the properties pertaining to Survey No.124/1, 124/2, 124/3, 127/3, 127/4, 129/2, 129/3 situated at No.77 Ambalakaran Patti, Melur Taluk, Madurai District, within the time frame fixed by this Court.

For Petitioner :Mr.T.Lajapathi Roy

For Respondents :Mr.M.Murugan,
Government Advocate

O R D E R

The Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondent No.3, to effect necessary mutation in all the revenue records such as, Patta, Chitta, 'A' register and Village Adangal, in the name and ownership of the petitioner for the properties pertaining to Survey No.124/1, 124/2, 124/3, 127/3, 127/4, 129/2, 129/3, situated at No.77 Ambalakaran Patti, Melur Taluk, Madurai District, within the time frame fixed by this Court.

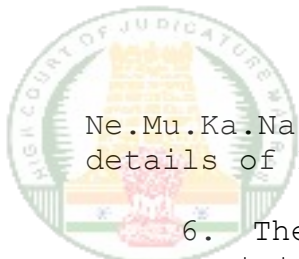


2. The properties of land situated at No.77 Ambalakaran Patti, Melur Taluk, Madurai District, assigned in D.K.T. order, bearing S.No.124/1 - 4.53 acres, patta No.1639; S.No.124/2 - 4.85 acres, Patta No.1638; S.No.124/3 - 4.54 acres in Patta No.1640, S.No.127/3 - 4.51 acres, Patta No.1595, S.NO.129/2 - 4.90 acres, Patta No.1577, S.NO).129/3 - 4.89 acres, Patta No.1581 of "Assessed Waste Dry" lands were assigned to non-panjamar landless poor individuals in the year 1961, on usual conditions and with the additional conditions, as per G.O.Press No.296, Revenue Department, dated 10.02.1954 by the Special Deputy Tahsildar (Assignment) Melur.

3. The learned counsel for the petitioner submitted that the assignment of lands to the individuals, as per G.O.No.296, Revenue Department, have been subject to following usual conditions and additional conditions imposed at the time of assignment i.e., "The land assigned shall not be sold or alienated for a period of 10 years but may be hypothecated to Government, for the purpose of security, under the Land Improvement Loans Act or Agricultural Loans Act, or to a Co-operative Society, in order to engage the poor persons in direct cultivation. He further submitted that the assignees have enjoyed the lands peacefully for over 33 years, without violating any one of the conditions. The petitioner purchased those lands in the year 1994 by a registered sale deeds from the assignees. Hence a detailed enquiry was conducted by the Revenue Divisional Officer, Madurai, who in turn, directed the Tahsildar, Melur, to issue patta in favour of petitioner, through proceedings in Na.Ka.No.A/13456/94, dated 14.11.1994. As per the orders of the RDO, the Tahsildar, Melur issued a patta No.267, Patta Pass book No.260626 and patta No.451, Patta pass book No.260621 on behalf of his wife, by his proceedings in Na.Ka.No.9679/94/B12, dated 12.12.1994.

4. The learned counsel further submitted that the petitioner is in peaceful possession and enjoyment of the properties, for the past 21 years and he is also paying Taxes and Chitta for Patta No.267, 451, 3344 which were issued in his favour on 9.2.2015 and "A" register was also issued on 9.2.2015 that denoted it as 'Ryotwari' patta land i.e., private patta land.

5. While so, the District Revenue Officer, Madurai has sent a report to the Chief Commissioner and Revenue Administrative Commissioner, Chennai, vide his proceedings in Na.Ka.No.35808/9503, dated 26.08.1999, stating that the lands in Ambalakaranpatti bearing S.Nos.124/1, 124/2, 124/3 were assigned lands by D.K.T.assignment orders, in the year 1961 and the same has been purchased by the petitioner and his wife through a registered sale deed, in the year 1994. The Tahsildar, Melur through his proceedings in Na.Ka.No.7446/2000/133, dated 24.09.2001, has made an enquiry regarding assignment of land, violation of conditions and he has sent a report to the RDO. The Tahsildar, Melur through his proceedings reported to the District Collectors Additional PA (Lands) in Na.Ka.No.8981/2004/B3, dated 8.10.2007 had clearly stated that the lands were assigned to several persons in the year 1961, 1962 and 1964 in Ambalakaranpatti Village and after a lapse of 40 years, there is no violation of any condition of assignment. The District Collector, Madurai vide his proceedings in Ne.Mu.Ka.Na.Ka.No.34438/2010/J1, dated 23.08.2010 and the RDO, Madurai in his proceeding in



Ne.Mu.Ka.Na.Ka.No.9513/2010/K, dated 8.9.2010 have ordered to furnish the details of Panjami lands of all the Villagers in Melur Taluk.

6. The petitioner approached the District Collector and made a representation on 2.7.2012, who in turn, vide his proceedings in Na.Ka.No.J1/70058/2009, dated 15.10.2013, directed the DRO, to conduct an enquiry on fabrication of documents and file a report. Subsequently, the DRO in his proceedings in Na.Ka.No.70058/2009/J1, dated 9.5.2015 and 8.6.2015 has stated that despite of the orders passed by the District Collector, the private patta lands in Ambalakaranpatti Village, survey Nos.124/1, 124/2, 124/3, 127/4, 129/2, 129/3 were changed as 'Panjamar Tharisu'. The petitioner's patta lands were changed as "Panjamar Tharisu" inspite of the request putforth by the petitioner with copies of appropriate document, for the past five years. Therefore, the petitioner made several representations to the respondents but the same were not considered. Hence, the petitioner has come forward with this writ petition, with the aforesaid prayer.

7. I have heard the submission of the learned counsel for the petitioner as well as the learned Additional Government Pleader for the respondents.

8. Considering the facts and circumstances of the case, the 3rd respondent is directed to pass appropriate orders on the representation of the petitioner, dated 31.03.2015, on merits and in accordance with law, within a period of four weeks, from the date of receipt of a copy of this order, taking into consideration the proceedings issued by the first respondent, dated 6.7.2012.

9. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.
2. The District Revenue Officer,
O/o.District Revenue Officer,
Madurai District, Madurai.
3. The Tahsildar,
Tahsildar Office, Melur Taluk, Madurai District.

+1cc to Mr.T.Lajapathi Roy, Advocate SR.No.45350

W.P. (MD) .No.12456 of 2015
10.08.2015

MPK

NS/AAL-MPA/SAR-I/25.08.2015 : 3P/5C