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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2016

CORAM

The HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE S.NAGAMUTHU

W.A. (MD) No.1577 of 2016

and

C.M.P. (MD) No.11637 of 2016

J.Raja Jobdoss

.. Appellant/Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Ananthagiri, Kodaikanal,
Dindigul District.

3.The Tahsildar,
Kodaikanal Taluk,
Dindigul District.

.. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 01.11.2016 made in W.P.(MD) No.20904 of 2016 on the file of this Court.

Prayer in WP(MD). 20904/ 2016 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified mandamus call for the records pertaining to the impugned order in Na.Ka.No.8606/2015/A2 dated 03.10.2016 on the file of respondent No.3 and quash the same as illegal and consequently directing the respondent No.1 to 3 to carry out necessary rectification in the Revenue records pertaining to the petitioners properties and consequently direct the respondent No.2 to grant patta to the petitioner for the lands in S.No.32 and 33 in Ward C, Block 10, Kodaikanal Taluk, Dindigul District.



(2)

For Appellant .. Mr.T.Lajapathi Roy
For Respondents .. Mr.A.K.Baskara Pandian
Spl. Government Pleader

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JUDGMENT

(Judgment of the Court was made by The Hon'ble Chief Justice)

Admit.

2. Mr.A.K.Baskarapandian, learned Special Government Pleader accepts notice for the respondents.

3. On hearing the learned counsel for the parties, it is found that the impugned order is predicated on the plea that G.O.Ms.No.854, Revenue (PERM) 1(2) Department, dated 30.12.2006 is no more in force and thus, patta cannot be issued to the appellant for the Government land.

4. The learned Special Government Pleader has drawn our attention to the affidavit filed in support of the writ petition, where in paragraphs 9 and 10, it is averred as under:-

"9.That in the light of the said G.O. the Respondent No.3 has wrongly entered the name of my neighbor namely Mohan Ram S/o.Muthuramalinga Iyer and Mahadevan and had issued patta for my properties in S.No.32 and 33 in Ward-C, Block 10, Kodaikanal Taluk, Dindigul District. That in these circumstances in year of 2008 I had applied for grant of patta I came to know that the name of my neighbours have been wrongly entered and patta has been issued.

10.It is submitted that I have constructed a dwelling House in the property and it is my only property moreover I am in the property for about 40 years and therefore I made several representations to the respondents 1 to 3 to effect necessary changes for correction in the revenue records for the properties in S.No.32 and 33 in Ward-C, Block 10, Kodaikanal Taluk, Dindigul District and again on 17.08.2015 I have sent a fresh representation mentioning all the above said facts but the same has not been considered till date. I have a legitimate expectation that my Representation for the rectification and issuance of Patta would be considered by Respondent No.3."

<https://hcservices.ecourts.gov.in/hcservices>

5. The aforesaid shows actually, grievance is made that pattas



(3)

were issued to some third parties (not impleaded as parties in the present petition).

6. However, the reading of the impugned order seek to suggest that in municipal records some payments have been made by third parties for superstructure.

7. Thereto, in our mind, no clarity on what basis the petitioner is approaching the Court. The learned counsel for the appellant, faced with the aforesaid position, states that it would be appropriate, if he withdraws the original writ petition itself and then makes an enquiry as to the basis on which he claims right to the property.

8. In view of the conflicting facts, we permit the appellant to withdraw the original writ petition itself with a liberty to approach the Court afresh, only after clearly setting forth as to what is the status of the land, which portion he occupies in the site plan with photographs and what relief he claims in respect of the same and under what Government Order or provision. The sequitur would be that the impugned order would not stand.

9. The writ appeal, accordingly, stands disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To:

1.The District Collector, Dindigul District, Dindigul.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Ananthagiri, Kodaikanal, Dindigul District.

3.The Tahsildar, Kodaikanal Taluk, Dindigul District.

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No. 79220

+1 cc to The Special Government Pleader in SR.No. 79502

BBR

CSL/PV/21.12.2016: 3P/6C

W.A. (MD) No.1577 of 2016

02.12.2016