



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P. (MD) No.11244 of 2016

and

W.M.P. (MD) .Nos.8605 and 8606 of 2016

L.Tharmaraj Nadar

... Petitioner

Vs.

1. The District Revenue Officer,
Tirunelveli 627 009.
2. The Revenue Divisional Officer,
Tirunelveli 627 009.
3. The Tahsildar,
O/o. Tahsildar,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the first respondent dated 04.01.2016 in Pamu/Ka2/C.Ma./05/2015 and quash the same consequently direct the third respondent to issue patta in favour of the petitioner in respect of Survey Nos.8 and 15 of Karuppanthurai Village, Palayamkottai Taluk, Tirunelveli District.

For Petitioner : Mr.I.Suthakaran

For Respondents : Mr.J.Gunaseelan Muthiah
Government Advocate

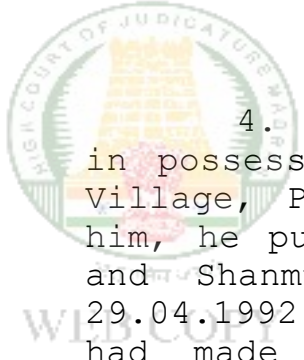
O R D E R

Heard both sides.

2. By consent, the main Writ Petition itself is taken up for final disposal.

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

3. No counter is filed on behalf of the respondents.



4. It is the case of the Petitioner that the Petitioner is in possession of Survey Nos.8 and 15 situated in Karuppanthurai Village, Palayamkottai Taluk, Tirunelveli District. According to him, he purchased the lands from the vender viz., Mylerumperumal and Shanmugam by means of sale deed dated 31.08.1988 and 29.04.1992. From the date of his purchase, according to him, he had made several representations/ applications to the third respondent/Thasildar, Palayamkottai, Tirunelveli District for issuance of Patta and ultimately, projected a written application dated 06.06.2011 addressed to the Third Respondent and his application/petition was rejected by the Third Respondent without assigning reasons.

5. At this stage, the Learned Counsel for the Petitioner urges before this Court that the Petitioner preferred an appeal against the order of the Third Respondent dated 25.07.2011 before the Second Respondent and his appeal dated 19.12.2011 was dismissed by the Second Respondent on 09.10.2012 stating that he is ineligible to obtain a Patta. As such, the Petitioner was perforce to prefer a revision petition before the First Respondent/District Revenue Officer, Tirunelveli on 16.11.2012 and the Third Respondent without calling for the records and without providing any opportunity to the petitioner, passed the impugned order. Subsequently, the Petitioner filed W.P.(MD). No.1938 of 2013 challenging the order dated 07.01.2013 of the First Respondent and the matter was remanded back to the First Respondent for passing fresh orders after providing sufficient opportunity to the petitioner.

6. The main grievance assailed on the part of the Petitioner before this Court is that the First Respondent has passed the impugned order on 04.01.2016 in negation to the principles of natural justice. Also that the First Respondent had failed to exercise his jurisdiction and had failed to see the long standing possession of the petitioner in Survey Nos.8 and 15 of the land which are now subject matter of dispute.

7. Lastly, it is the plea of the Petitioner that the First Respondent failed to note that the lands were purchased by the petitioner from the previous owners for a valuable consideration.

8. Per contra, it is the submission of the Learned Government Advocate appearing for the Respondents 1 to 3 that in the fresh impugned order dated 04.01.2016, passed by the First Respondent/District Revenue Officer, Tirunelveli, adequate/enough reasons were assigned in rejecting the plea of the Petitioner. Indeed, in the impugned order, the First Respondent/District Revenue Officer, Tirunelveli had categorically mentioned that the Village Administrative Officer in his statement, had deposed that Survey No.8 is 'Nanthavanam Poramboke' and in the said places, the brick-kiln industry is conducted and the two survey numbers are



Government Poramboke lands. Furthermore, as per Karupanthurai Village Resurvey Resettlement Register, which was perused, it was found out that the said two survey numbers are in Government Poramboke and ultimately, the impugned order was passed. Therefore, the contra pleas taken on behalf of the petitioner are clearly unsustainable in the eye of law.

9. This Court has given anxious consideration to the contentions advanced on respective sides and noticed the same.

10. In this connection, this Court, on perusing the contents of the impugned order dated 04.01.2016 passed by the First Respondent/District Revenue Officer, Tirunelveli, is of the considered opinion that the said order is perfectly a just and valid one. Furthermore, in the impugned order, reasons were assigned in an outline of processing fashion and the said order by no stretch of imagination cannot be characterised as one suffering from bereft of either quantitative or qualitative reasons. Suffice it for this Court to point out the impugned order dated 04.01.2016 of the First Respondent is free from any flaw. Consequently, the writ petition fails. In the result, the writ petition is dismissed leaving the parties to bear their own costs.

11. Before parting with the case, this Court makes it clear that the dismissal of the writ petition by this Court will not preclude the petitioner to approach the competent Civil Court for redressal of his grievances in the manner known to Law and in accordance with Law if he so desires/advised. The connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The District Revenue Officer, Tirunelveli 627 009.
2. The Revenue Divisional Officer, Tirunelveli 627 009.
3. The Tahsildar, O/o. Tahsildar, Palayamkottai, Tirunelveli District.

+1cc to Mr.I.Suthakaran, Advocate, Sr.No.32921

+1cc to the Special Government Pleader, Sr.No.33105

akv