



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02/12/2016

CORAM:

THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

Writ Petition (MD) No.23006 of 2016

WEB COPY

V.P.RUKMANIAMMAL

... Petitioner

Vs.

THE TAHSILDAR

RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to the respondent calling for the records pertaining to the proceedings of the respondent in Na.Ka.Aa.4/9825/2016 dated 01.10.2016 and to quash the same and to issue patta for the land in Survey No. 373/1, Chettiaripatti Village, Rajapalayam Taluk Virudhunagar District following the directions issued by this Hon'ble Court in W.P.(MD) No. 10054 of 2016.

For Petitioner	: Mr.M.Chokkusamy Balasubramaniam
For Respondent	: Mr.J.Gunaseelan Muthiah Govt. Advocate

ORDER

Challenging the proceedings of the respondent, dated 01.10.2016 and for a consequential direction to issue patta for the land in Survey No. 373/1, Chettiaripatti Village, Rajapalayam Taluk Virudhunagar District, on the basis of the direction already issued by this Court in W.P.(MD) No. 10054 of 2016, the present writ petition has been filed.

2. According to the petitioner, she is the owner of the property to an extent of 3.80.5 hectares in Sy.No.63, New Sy.No.373/1, situate in Chettiaripatti Village, Rajapalayam Taluk and patta was also issued in the name of the predecessor of the petitioner. But, subsequently, without issuing notice to the petitioner, the above land has been reclassified as 'poromboke kanmoi'. In the said circumstances, he made a representation to the authorities on 09.05.2016, to change the classification and issue patta in the petitioner's name. Since her representation was not considered, the petitioner filed a writ petition before this Court in W.P.(MD).No.10054 of 2016 and this Court, by an order dated 08.06.2016, directed the Tahsildar, Rajapalayam to consider the petitioner's representation and pass orders, after providing due opportunity to the petitioner and others concerned, within a period of four weeks. Pursuant to the orders passed by this Court, now, the respondent/Tahsildar passed the impugned order, rejecting the petitioner's request without conducting any



enquiry whatsoever. Hence, challenging the same, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the property belongs to the petitioner and earlier, patta was issued in the name of her predecessor as 'Nanja land'. But all of a sudden, the land has been classified as 'poromboke kanmoi' and this Court has already directed the Tahsildar to consider the representation for reclassification, after giving opportunity to the petitioner. Now, without giving any opportunity, the impugned order has been passed.

4. The learned Government Advocate appearing for the respondent submitted that pursuant to the order passed by this Court, the Tahsildar directed the concerned Revenue Inspector to conduct an enquiry and based on the enquiry report, he has come to the conclusion that the above land has been classified as "Sengulam Kanmoi" and then, he rejected the petitioner's representation.

5. This Court, in its earlier order, dated 08.06.2016, directed the Tahsildar, Rajapalayam to conduct enquiry, after giving opportunity to the petitioner. But the respondent without following the order passed by this Court and without giving an opportunity to the petitioner, has simply rejected the petitioner's application. In view of the above reasons, the impugned order, passed by the respondent, dated, 01.10.2016, is set aside and the matter is remanded back to the respondent/Tahsildar, Rajapalayam, Virudhunagar District. The respondent/Tahsildar, Rajapalayam, Virudhunagar District is directed to decide the issue afresh, after issuing notice to the petitioner and conduct a detailed enquiry, after considering the documents submitted by the petitioner and pass suitable orders, on merits and in accordance with Law, within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, this writ petition is allowed. There shall be no order as to costs.

Sd/
Assistant Registrar(Crl.Side)

/TRUE COPY/

Sub Assistant Registrar

To

THE TAHSILDAR, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
+2CC TO MR.M.CHOKKUSAMY BALASUBRAMANIAM, ADVOCATE, IN SR NO.78515.
+1CC TO SPECIAL GOVERNMENT PLEADER IN SR.NO. 79459.

W.P(MD)No.23006 of 2016
02/12/2016