



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

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Writ Petition(MD)No.18480 of 2013**and****M.P(MD)No.1 of 2013**

SP.S.Sathiah

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai.2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.3.The Tahsildar,
Devakottai,
Sivagangai District.4.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai- 600005.

... Respondents

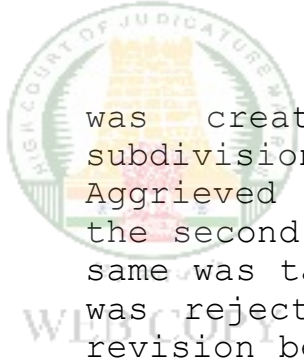
Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for records of the fourth respondent relating to the order dated 03.10.2013 in D.Dis.No.K4/7998/2009 and quash the same and consequently, direct the first respondent to grant patta to the petitioner for the lands in S.No.326/6, Chittativayal Village, Iruvinivayal Group, Devakkottai Taluk, measuring about 0.16.15 Ares.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.S.Kumar,
Additional Government Pleader.**ORDER**

Aggrieved by the order of the Commissioner of Land Administration refusing to grant patta to the petitioner in respect of nearly about 40 cents of land in S.No.326/6, the petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus.

2.The petitioner claims that he has been in possession of the said lands for over several years and the possession was also
<https://hcservices.com/india/hcservices/> reflected in the revenue records. While implementing the natham settlement scheme, the petitioner was granted patta for an extent of 0.16.15 hectares and a new sub division namely in S.No.326/6



was created. Subsequently, the Tahsildar cancelled new subdivision and classified the land as Government poramboke. Aggrieved by the same, the petitioner had filed an appeal before the second respondent namely, the Revenue Divisional Officer. The same was taken on file by the second respondent and since the same was rejected by the second respondent, the petitioner filed a revision before the first respondent, namely, the District Revenue Officer. The District Revenue Officer, by his order dated 25.02.2009 rejected the claim of the petitioner on the ground that patta for the natham land could be issued only to an extent 3 cents and since the extent claimed by the petitioner is about 45 cents, no patta could be issued in his favour. As against the said order, the petitioner filed a second revision before the fourth respondent namely, the Principal Secretary and Commissioner of Land Administration, Chennai. By the impugned order, the Commissioner of Land Administration, rejected the claim of the petitioner and dismissed the revision filed by him. Aggrieved by the same, the petitioner is before this Court.

3.I have heard Mr.AL.Kannan, learned counsel for the petitioner and Mr.S.Kumar, learned Additional Government Pleader for the respondents.

4.The claim of the petitioner is that he had the possession of the said lands for several years and the same has also been recognised by the revenue authorities. The Commissioner of Land Administration has rejected the request of the petitioner on the ground that patta could not be issued for the natham lands, for more than three cents.

5.Learned counsel for the petitioner would plead that his claim may be considered for assignment for consideration on payment of the value of the land.

6.Learned Government Advocate on instructions would submit that it is for the fourth respondent namely, the Commissioner of Land Administration, Chennai to decide on the said question.

7.Leaving it open to the petitioner to approach the fourth respondent, seeking assignment of the land subject to payment of the land value, this writ petition is dismissed. However, the petitioner shall make a request for assignment to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the fourth respondent shall consider the same independently without being influenced by any of the observations made in any of the proceedings including this order and pass orders in accordance with law, within a period of eight weeks thereafter. Till the application made by the petitioner for assignment on payment of costs is considered by the fourth



respondent, the possession of the petitioner shall not be disturbed by the authorities concerned. No costs. Consequently, M.P(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar

/True copy/

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Sub Assistant Registrar

To

1.The District Revenue Officer,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Devakottai,
Sivagangai District.

4.The Special Commissioner and
Commissioner of Land Administration,
Chepauk, Chennai- 600005.

+1 CC to Mr.A.L.Kannan, Advocate, SR No.16933

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No.17352.

SMS/VSG

PSM/KP/SAR2/04.04.2017/3P/7C

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