



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.11.2019

Coram:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.26673 of 2019

V.Samykannu

.. Petitioner

/versus/

1.The District Collector,
Ariyalur District.

2.The Thasildar,
Andimadam, Ariyalur District.

(cause title amended as per
order dated 17.10.2019 in
W.M.P.No.28186/2019 in

W.P.No.26673/2019 byGJJ)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for records relating to order of the 2nd respondent in Na.Ka.A1/1728/18, dated 25.01.2019 to quash the same and to consequently direct the respondents to consider and issue patta in favour of the petitioner relating to S.No.387/9(Old Survey No.151/1) in Door No.3/61 New Door No.755, Maruthur Village & Post, udayarpalayam, Ariyalur District.

For Petitioner

:Mr.L.Chandrakumar

For Respondents

:Mr.N.Inbanathan, AGP
for R1 & R2

O R D E R

This writ petition has been filed praying to issue a Writ of Certiorarified Mandamus to call for records relating to order of the 2nd respondent in Na.Ka.A1/1728/18, dated 25.01.2019 to quash the same and to consequently direct the respondents to consider and issue patta in favour of the petitioner relating to S.No.387/9(Old Survey No.151/1) in Door No.3/61 New Door No.755, Maruthur Village & Post, Udayarpalayam, Ariyalur District.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioner is that pursuant to the sale deed dated 11.03.1958 executed in favour of the father of



the petitioner, he is in possession and enjoyment of S.No.387 (old S.No.151/1gh. After demise of Velautham Mudaliar on 05.04.1992, when he sought for change of patta in his name for the said property, which was erroneously classified as School in the Village account, that was not considered by the respondents and hence, the petitioner filed a Writ Petition No.24005/2018 seeking Mandamus for issuance of change of patta. In the said writ petition, this Court directed the respondents to consider the representation of the petitioner after causing notice to the respective parties and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of that order. Pursuant to that, the Tahsildar of Andimadam, has passed the proceedings dated 25.01.2019 rejecting the request of the petitioner to issue patta based on the objection made by the villagers as well as on the classification of the land as School.

4.The contention of the petitioner is that even in the impugned order, the Tahsildar has recorded the statement of the Headmaster of the School that from the academic year 2000, the School is not functioning and the land in S.No.387/9 old Door No.3/61, New Door No.755 is not presently in control of the Education Department as per the report of the Block Educational officer.

5. Referring the said portion of the observation in the impugned order, the learned counsel appearing for the petitioner would submit that when the petitioner and his father were in possession and enjoyment of the land ever since 1958 and the encumbrance certificate issued by the Registration Department discloses the title of the petitioner herein, the Revenue Authorities ought to have considered his representation and granted patta for S.No.387/9.

6.The learned Additional Government Pleader appearing for the respondents would state that even in the alleged sale deed of the year 1958 relied by the petitioner there is no survey number mentioned and the description of the property is ambiguous. Whereas, the revenue records and the report of the Head Master as well as the Block Educational Officer disclose that in the said survey number there is a building and in that building, till the year 2000, a School was functioning and the same was closed for administrative reason. Just because, presently the school is not functioning, the petitioner cannot claim right over that land. Unless and until, he has proper title over the property, the document relied by the petitioner namely, the sale deed executed by Fakkirisamy Poosi in favour of Velautham Mudaliar on 11.03.1958 does not indicate that the subject property covered under the sale deed is pertaining to S.No.387/9 at Maruthur Village.

7.In such circumstances, this Court finds that there is no illegality in the order passed by the 2nd respondent



herein, which is challenged in this writ petition. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To:

1.The District Collector,
Ariyalur District.

2.The Thasildar,
Andimadam, Ariyalur District.

+1cc to Mr.L.Chandra Kumar, Advocate, S.R.No. 97153
+1cc to the Government Pleader, S.R.No. 97568

W.P.No.26673 of 2019

VG II(CO)
GN(30/12/2019)