



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 02.12.2019

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.13638 of 2017

M.Thangavel

.. Petitioner

-vs-

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Attur-636 102, Salem District.

3.The Tahsildar,
Attur Taluk, Attur-636 102,
Salem District.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to issue unconditional patta to the petitioner in respect of the land situated in S.No.657/5, Ramanaickenpalayam North Village, Attur Taluk, Salem District by disposing the written representation made by the petitioner on 14.11.2016 within a stipulated time as this Court fixes.

For Petitioner : Mr.C.Prakasam

For RR1 to 3 : Mr.N.Srinivasan,
Additional Government Pleader

ORDER

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.N.Srinivasan, learned Additional Government Pleader appearing for the respondents.

2.With consent on either side, this writ petition is taken up for final disposal.

3.The petitioner, who was granted an Assignment Patta in Form D on 18.06.1992, sought for grant of a regular patta because he has been holding the property for more than 10 years and as of now, the petitioner can deal with the property with full rights. Thus, a representation was given by the petitioner



to the 2nd respondent, who in turn, forwarded the same to the 3rd respondent on 04.01.2017 for necessary orders. Till date, orders have not been passed.

4.If the petitioner has held the land which was assigned to him for a satisfied period of ten years, then it goes without saying that he becomes the Pattadar of the property unconditionally. Since the Revenue Department has been computerised and all pattas are issued through online, there should be some procedure to recognise the pattas granted to the persons like the persons who have not violated the conditions.

5.Revenue Standing Order 15 (RSO) does not provide for a specific condition wherein, there is a restriction of alienation and the petitioner is not entitled to alienate the property and if he does so, the assignment itself is liable to be cancelled.

6.In the light of the above, this writ petition stands disposed of with a direction to the 3rd respondent to consider the petitioner's request, conduct a verification as to whether the petitioner still continues to hold the property, whether there is any violation of the assignment conditions and thereafter, pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

abr
To

1.The District Collector,
Salem District, Salem.

2.The Revenue Divisional Officer,
Attur-636 102, Salem District.

3.The Tahsildar,
Attur Taluk, Attur-636 102,
Salem District.

+1 cc to Government Pleader Sr.No. 100720
+1cc to Mr.C.Prakasam , Advocate SR.No. 100596

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A.SK(10/01/2020)