

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 11.03.2019****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD)No.25557 of 2018
and
W.M.P. (MD)No.23169 of 2018

Gunasundari

... Petitioner

-Vs-

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The District Revenue Officer,
Pudukottai District.

3.The Revenue Divisional Officer,
Pudukottai District.

4.The Tasildhar,
Avudaiyarkovil Taluk,
Pudukottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of 2nd respondent in Ni.Mu.21384/2018 (D3), dated 12.12.2018, received by the petitioner on 18.12.2018 and quash the same and consequently direct the 4th respondent to restore the patta in the name of the petitioner and issue the same to the land in Survey No.101/11 and 101/12 situated at Alathur Village, Avudaiyar Kovil Taluk, Pudukottai District within a time frame fixed by this Court.

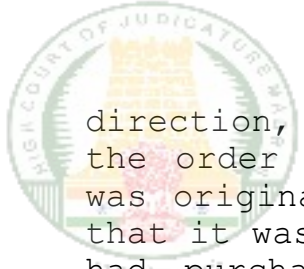
For Petitioner : Mr.V.Manikandan
For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

The writ petitioner filed W.P.(MD)No.2948 of 2017, for directing the Revenue Authorities to consider her representation, dated 16.12.2016, for issuance of patta in respect of the petition mentioned lands.

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

2.By an order dated 21.02.2017, this Court directed the said writ petition to be disposed of. Pursuant to the aforesaid



direction, the District Revenue Officer, Pudukottai District passed the order dated 12.12.2018, stating that the property in question was originally assigned in favour of Villayutham on 14.04.1975 and that it was cancelled on 12.08.1987. But the writ petitioner herein had purchased the said property from the original assignee on 13.08.1999. Based on the said sale transaction, the petitioner's name was entered in the revenue records. Thereafter, the petitioner's name was once again cancelled and the lands in question was classified as Government Poramboke. Thereafter the petitioner applied for issuance of patta and pursuant to the direction given in W.P.(MD)No.2948 of 2017, the impugned order came to be passed for considering the petitioner's case for assignment based on the extant norms. This order is put to challenge in this writ petition.

3.The Hon'ble Supreme Court in Civil Appeal No.2425 of 2019, dated 01.03.2019, held as follows:-

"..... this 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do not service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute."

4.The case on hand is one such illustration.

5.This Court wanted the learned Government Advocate to produce relevant files. In the Counter affidavit, a clear statement has been made that the assignment of the writ petitioner's vendor was cancelled in the year 1987. The Court wanted to know whether such a cancellation was made after following due process. Likewise, when it is not in dispute that the writ petitioner name was entered in the revenue records, the first respondent has taken a stand that the petitioner's name was deleted and the lands were classified as Government Poramboke in the year 2000 itself. Again, it is not known as to whether due process was followed. When this Court wanted to look at the original file, the learned Government Advocate is unable to produce the same. If that be so, it is not known as to how the counter affidavit itself was prepared making such a claim. Definitely, the deponent of the counter affidavit did not have any personal acquaintance with the facts of the case. He obviously must have relied on the record, but in this case, the necessary records are not being produced. If that be so, I fail to understand as to how such counter affidavit came to be drafted. Therefore, the order impugned in this writ petition is quashed. The name of the writ petitioner should be reflected in the revenue records in respect of the petition mentioned property.



6.The writ petition stands allowed. No costs.
Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar (CS)

To:

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The District Revenue Officer,
Pudukottai District.
- 3.The Revenue Divisional Officer,
Pudukottai District.
- 4.The Tasildhar,
Avudaiyarkovil Taluk,
Pudukottai District

+1cc to Mr.V.MANIKANDAN,Advocate, SR.No. 53811

+1cc to M/s.Special Government Pleader,SR.No. 53264

W.P. (MD) No.25557 of 2018

11.03.2019

IAS

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