



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.[MD]No.1064 of 2019
and
C.M.P.[MD]No.9732 of 2019

1.The District Collector,
Madurai District,
Madurai,

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
District Collectorate Campus,
Madurai.

3.The Tahsildar,
Office of the Tahsildar,
Melur Taluk Office,
Melur,
Madurai District.

: Appellants/1 to 3rd Respondents

Vs.

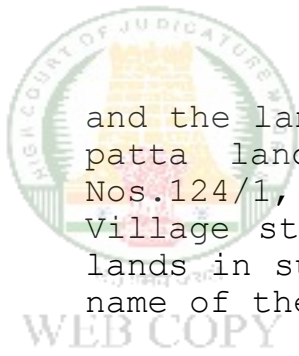
1.T.Ramanigopaal
2.R.Shelvi Devi

: Respondents/Writ Petitioner

3.Ponnanai @ N.V.Sasi : Respondent/ 4th Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, praying to set aside the judgment dated 25.06.2019 in W.P.[MD] No.2405 of 2016 on the file of this Court.

Prayer in W.P.[MD]No.2405 of 2016 : This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order issued by the 3rd respondent in his proceedings in Na.Ka.No.12633/2015/B3 dated 26.10.2015 and quash the same and consequently direct the 3rd respondent to restore the patta, taluk and village A register, Village Adangal, Computer Chitta and relevant revenue records in the name of the petitioner and his wife



and the lands classification to be changed again as ryotwari-private patta lands in respect of the properties comprised in Survey Nos.124/1, 124/2, 127/3, 129/2, 129/3 situated at Ambalakaranpatti Village standing in the name of the first petitioner and also the lands in survey No.124/3 situated at Ambalakaranpatti Village in the name of the second petitioner of Melur Taluk, Madurai District.

For Appellant : Mr.A.K.Baskara Pandian
Special Government Pleader

For Respondent No.1 : Ms.T.Ramanigopaal
Party-in-person

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

By consent, the Writ Appeal is taken up for final disposal at the admission stage itself.

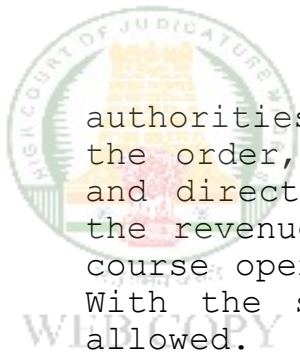
2.Heard Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of the respondents and Ms.T.Ramanigopaal, first respondent, appearing as party-in-person.

3.This appeal by the District Collector, Madurai District and two others is directed against the order in W.P.[MD]No.2405 of 2016, dated 25.06.2019, filed by the respondents herein.

4.The writ petitioners challenge the order passed by the third appellant dated 26.10.2015 and prayed for a direction to restore the patta, taluk and village A register, Village Adangal, Computer Chitta and relevant revenue records in the name of the respondents 1 and 2 and change the classification of the land as it originally stood as ryotwari private patta lands.

5.Learned Special Government Pleader appearing on behalf of the appellants contended that the land in question is classified as Panchamar Tharisu and the land is assigned to the people belonging to the downtrodden community and there is a specific embargo for the sale of the property. Therefore, the authority, namely the third respondent rightly reversed the entry and cancelled the patta issued in favour of the respondents 1 and 2.

6.The learned Writ Court, after elaborately considering the factual position and the elaborate counter filed by the appellants pointed out that there is a gross violation of the principles of natural justice in passing the order impugned in the writ petition and the writ petitioners were not put on notice and without taking into consideration the documents which were placed before the



authorities by the writ petitioners. In the penultimate portion of the order, while quashing the order passed by the third appellant and directing the restoration of names of the writ petitioners in the revenue records, the learned Writ Court observed that it is of course open to the official respondents to take action as per law. With the said liberty to the authorities, the writ petition was allowed.

7.Before us, the appellants are reiterating the stand that the land is classified as Panchamar Tharisu. The first respondent / writ petitioner appearing in person submitted that he and his wife purchased the property in the year 1994, after fully verifying all the documents of title and revenue records and there is no scrap of paper to show that the property was classified as Panchamar Tharisu.

8.It is submitted by the first respondent appearing in person that as many as 60 documents were produced by the first respondent and none of the documents have been denied by the Tahsildar and by a cryptic order, the patta was cancelled which was rightly reversed by the learned Single Bench. Further, it is submitted that the counter affidavit filed by the third appellant proceeds on the basis that there is a direction issued by the Commissioner, who cancelled the patta. Referring to the various communications sent by the officials on 10.04.2012, 11.05.2012, and 15.05.2012, it is submitted that there is no direction to cancel the patta and all that was directed to be done was to enquire into the matter. In this regard, the first respondent has also referred to the copy of the office circular No.F1/5091/95 dated 01.04.1998.

9.In the light of the above factual position, we opine that the learned Writ Court rightly allowed the writ petition and the appellants cannot be said to be prejudiced because liberty was reserved in favour of the authorities. Thus, we find that the appellants have not made out any ground to interfere with the order passed in the writ petition.

10.Accordingly, the Writ Appeal stands dismissed and the direction issued in the Writ Petition be complied with by the appellants within six [6] weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

MR

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To

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Madurai.
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Office of the Tahsildar,
Melur Taluk Office,
Melur,
Madurai District.

Judgment made in
W.A. [MD]No.1064 of 2019

Dated: **24.10.2019**

CS (05.11.2019) 4P 4C