



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation : 27.03.2019

Pronounced on : 25.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.2405 of 2016

and

WMP(MD)Nos.2142 & 2143 of 2016

1.T.Ramanigopaal

2.R.Shelvi Devi

... Petitioners

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
District Collectorate Campus,
Madurai.

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

4.Ponnanai @ N.V.Sasi

... Respondents

(R4 is impleaded vide court order
dated 27.03.2019 in WMP(MD)No.6253 of 2016)

Prayer : 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 Petitioners : Mr.T.Ramanigopaal, Party in person.

For Respondents : Mr.Karuppasamy,

Government Advocate for R1 to R3

Mr.Prabhu Rajadurai for R4

**ORDER**

The writ petitioners are husband and wife. They had purchased the petition mentioned properties through registered documents. Their vendors had been assigned with these lands and according to the petitioners, the conditions of assignment have not been violated. Be that as it may, as early as in the year 1994, patta in respect of these lands had also been changed in the names of the writ petitioners. Patta bearing 267 and patta bearing 451 were issued in favour of the writ petitioners respectively and they have been in continuous possession and enjoyment of the lands in question. While so, without notice to them, changes had been made classifying the lands in question as "Panchamar Tharisu". When the petitioners became aware of the same, they submitted a representation to the first respondent and sought restoration of the earlier position. Since it was not acted upon, they filed WP(MD) No.12456 of 2015. This Court by order dated 10.08.2015 directed the Tahsildar, Melur to pass orders on the representation dated 31.03.2015 submitted by the writ petitioner on merits and in accordance with law. Pursuant to the said direction, the impugned order dated 26.10.2015 has been passed rejecting the petitioners' request for changing the patta in their favour. Questioning the same, this writ petition has been filed.

2. Heard the learned counsel on either side. An elaborate counter affidavit has been filed by the authorities and the private respondent who got himself impleaded argued for sustaining the order impugned in this writ petition.

3. The core grievance of the writ petitioners is that they had purchased the lands in question through registered documents and that the revenue record stood in their favor since 1994 and that behind their back changes have been unilaterally and arbitrarily made by classifying the lands as "Panchamar Tharisu". The impugned order proceeds on the premise as if the writ petitioners are asking for re-classification of the lands for the first time. It is not so. The lands in question were in the names of the writ petitioners since 1994. The question that the authority must have posed to himself is whether before deleting the names of the petitioners from the revenue records and classifying the lands as Panchamar Tharisu, whether the petitioners were put on notice. The only answer that can be given is that the petitioners were not put on notice.

4. On the sole ground of violation of principles of natural justice, classification of the petition mentioned lands as Panchamar Tharisu by deleting the names of the writ petitioners will have to be set aside. While disposing of WP(MD) No.12456 of 2015, this Court directed the Tahsildar, Melur to take note of the proceedings dated 06.07.2012 said to have been issued by the District Collector, Madurai District. Even a cursory reading of the impugned order indicates that the said proceedings were not taken into account even though this Court had specifically mandated the Tahsildar, Melur to do so.



5. Thus, there has been a clear violation of the order passed by this Court. The writ petitioner has submitted a very elaborate representation. But, the impugned order is so cryptic and does not deal with the contentions raised by the writ petitioners. More than anything else, when valuable property rights are involved, the authority cannot act in a unilateral manner. The writ petitioners' name could not have been deleted from the revenue records behind their back. The order impugned in this writ petition is quashed. The official respondents are directed to restore the names of the writ petitioners in the revenue records in respect of the petition mentioned lands. It is of course open to the official respondents to take action as per law.

6. With this liberty to the authorities, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Madurai District, Madurai.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
District Collectorate Campus,
Madurai.
3. The Tahsildar, Office of the Tahildar,
Melur Taluk Office, Melur,
Madurai District.

+1 CC to Mr.T.RAMANI GOPAAL, Party-in-Person, SR-71648.
+1 CC to Mr.G.PRABHU RAJADURAI, Advocate SR-71986.

order made in
WP (MD) No.2405 of 2016
and
WMP (MD) Nos.2142 & 2143 of 2016
25.06.2019