



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.26780 of 2019

M.Krishnasamy

.. Petitioner

Vs.

1.The District Collector,  
Madurai District, Madurai.

2.The Taluk Officer,  
Usilampatti Taluk,  
Madurai District.

3.The Village Administrative Officer,  
Uthappanayakkanur,  
Madurai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the 1<sup>st</sup> respondent to instruct the 2<sup>nd</sup> respondent to issue patta in the petitioner's name on the basis of the Land Survey Report submitted by the 3<sup>rd</sup> respondent on 26.06.2019 to the 2<sup>nd</sup> respondent for issuance patta also on the basis of the petitioner's representation, dated 25.11.2019.

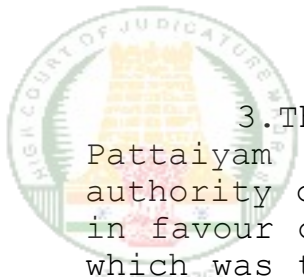
For Petitioner : Mr.S.Prabakaran

For Respondents : Mr.C.Ramar  
Additional Government Pleader

**ORDER**

The petitioner has filed this writ petition for issuance of Writ of Mandamus, directing the 1<sup>st</sup> respondent to instruct the 2<sup>nd</sup> respondent to issue patta in the petitioner's name on the basis of the Land Survey Report submitted by the 3<sup>rd</sup> respondent on 26.06.2019 to the 2<sup>nd</sup> respondent for issuance patta on the basis of the petitioner's representation, dated 25.11.2019.

2.Heard the learned counsel appearing for the petitioner and Mr.C.Ramar, learned Additional Government Pleader appearing for respondents. By consent of both parties, this writ petition is taken up for disposal at the admission stage itself.



3.The petitioner has produced before this Court a Sembu Pattaiyam of the year 1719 alleged to have been executed on the authority of Mannar Thirumalai Naicker. The grant was stated to be in favour of one Alagiri Nathan for an extent of '32 Kani' of land, which was then a nanja land. It is the case of the petitioner that the property comprised in S.No.328/1 with an extent of 25 cents at Uthappanayakkanur Village, Uthappanayakkanur Taluk, Usilampatti District in Madurai District, is part of the land covered by the Sembu Pattaiyam produced by the petitioner. Strangely, the petitioner has obtained a certificate from the Village Administrative Officer to the effect that the property claimed by the petitioner under the Sembu Pattaiyam comes under S.No.328 (with an extent of 0.27.9 hectares). The Village Administrative Officer certified that the Sembu Pattaiyam is for an extent of 25 cents and it has been classified as natham. It is further stated that the petitioner is one of the legal heirs of the beneficiaries of Sembu Pattaiyam and is living in a rented houses at present. A reading of the certificate clearly shows that the Village Administrative Officer concerned has issued a false certificate.

4.This Court find no justification for any one to identify the property covered under the Sembu Pattaiyam with that of the property, for which patta is now claimed by the petitioner. By no scientific means, the description of property referred to in Sembu Pattaiyam can be matched to the property for which patta is claimed. The petitioner has not impleaded any other legal heirs of the beneficiaries in the present writ petition. No Genealogy is produced to show that the petitioner has derived the title as the legal heirs of Alagiri Nathan the name found in the Sembu Pattaiyam. The nature and character of the property as per the Sembu Pattaiyam also cannot be adjudicated now by revenue officials, without impleading any one who is interested as a legal heir of the beneficiaries of Sembu Pattaiyam. Claim for patta based on title document of the year 1719 cannot be considered by the officials of Revenue Department under Tamil Nadu Patta Pass Book Act.

5.In this circumstances, this Court is of the view that the petitioner is not entitled to get patta before the revenue officials. Hence, this writ petition is dismissed. No costs. However, it is open to the petitioner to approach the civil court to establish his title in the manner known to law and then to approach the revenue officials for mutation of records on the basis of civil court verdict.

Sd/-

Assistant Registrar (Records)

// True Copy //

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Sub Assistant Registrar(CS)



1.The District Collector, Madurai District, Madurai.

2.The Taluk Officer, Usilampatti Taluk, Madurai District.

3.The Village Administrative Officer,  
Uthappanayakkanur, Madurai District.

+1 CC to SPL.GP ( SR-105560[F] dated 18/12/2019 )

+1 CC to Mr.S.P.PRABHAKARAN, Advocate ( SR-105878[F] dated  
19/12/2019 )

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