



In the High Court of Judicature at Madras

Dated : 05.6.2020

Coram :

The Honourable Mr. Justice T.S. SIVAGNANAM

Writ Petition No.28480 of 2012 & WMP.No.5794 of 2017

P.Vellaiyammal

...Petitioner

Vs

The Tahsildar, Kallakurichi

Taluk, Villupuram District,

Villupuram.

...Respondent

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in his proceeding in Na.Ka.No.A9/9518/ 2010 dated 04.4.2012, quash the same and further direct the respondent to issue patta in favour of the petitioner for the property comprised in S.No.130/3A situated at Indhili Village, Kallakurichi Taluk, Villupuram District measuring an extent of 0.52.0 ares.

For Petitioner : Mr.S.Venkatesh

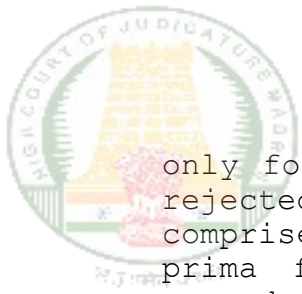
For Respondent : Ms.A.Madhumathi, SGP

ORDER

I have heard Mr.S.Venkatesh, learned counsel for the petitioner and Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondent.

2. The writ petition has been filed by the petitioner challenging the proceedings issued by the respondent dated 04.4.2012, by which, the respondent granted patta in favour of the petitioner in respect of the land comprised in S.F.No.130/3B, Indhili Village measuring an extent of 0.46.0 ares and simultaneously rejecting the application for grant of patta in respect of S.F.No.130/3A, Indhili Village measuring an extent of 0.52.0 acres.

3. The reason for rejection, as could be seen from the impugned order, is that the petitioner, during the enquiry, is alleged to have given a statement that she was not in possession of the land comprised in S.F.No.130/3A, but in possession of the land comprised in S.F.No.130/3B. Therefore, patta was granted



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only for the land comprised in S.F.No.130/3B and the respondent rejected the request for grant of patta in respect of the land comprised in S.F.No.130/3A. The records placed before this Court prima facie show that the name of the petitioner had been recorded in the revenue records and more particularly in the adangal extract for fasli 1421, which bears both survey numbers.

4. The petitioner is a senior citizen and she alleges that her signatures were obtained in blank papers as if she accepted that she was not in possession of the land comprised in S.F.No.130/3A. In the affidavit filed in support of WMP.No.5794 of 2017, the petitioner prayed for an order of interim injunction to restrain the respondent from allotting the subject land to any other third party by way of assignment.

5. In the counter affidavit filed by the respondent and more particularly in paragraph 6, it has been stated that the statement given by the petitioner is available in the office file, that the land in S.F.No.130/3A is shown as A.W.D. in the village accounts and that the respondent is not taking steps to allot the subject land to any other third party as alleged by the petitioner.

6. If the respondent is to reject the petitioner's claim based on an alleged admission made by her, it has to be established that the admission is candid and unequivocal. Even assuming that the petitioner had given such a statement, the respondent, being a revenue official, has to specifically record in his order that the land is not in possession of the petitioner and he cannot go merely by an alleged statement made by the petitioner. For such a purpose, a report should have been called for from the Revenue Inspector or the Village Administrative Officer concerned and if necessary, the Tahsildar himself could have conducted an inspection. However, no such procedure is shown to have been adopted, which, if adopted, would have been a reasonable and proper procedure to be followed by the Revenue Authorities. Considering all these facts, this Court is inclined to interfere with the impugned order and remits the matter back to the respondent for a fresh consideration.

7. Accordingly, the writ petition is allowed, the impugned order is set aside and the matter is remitted back to the respondent for a fresh consideration of the petitioner's application for grant of patta in respect of the land comprised in S.F.No.130/3A. The respondent shall issue further directions to his officers to do a spot inspection of the subject land after notice to the petitioner, conduct an enquiry, in which, all the records shall be perused and thereafter take a decision



on merits and in accordance with law. In the light of the statement made in the counter filed by the respondent that there is no proposal to allot the subject land to any third party, the respondent shall not assign the land to any other party till final orders are passed in terms of the above directions. No costs. Consequently, the connected WMP is closed.

Sd/-

Assistant Registrar (CS-)

//True Copy//

Sub Assistant Registrar

To
The Tahsildar, Kallakurichi Taluk, Villupuram District,
Villupuram.

Gp(co)

krd 8/7

WP.No.28480 of 2012
&WMP.No.5794 of 2017