



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

W.P. (MD)No.6793 of 2020

Vaithi alias Vaithilingam

... Petitioner

Vs.

1.The District Collector,
District Collector's Office,
Trichy-1,
Trichy District.

2.The Revenue Divisional Officer,
R.D.O.Office,
Collector's Office Complex,
Trichy-1,
Trichy District.

3.The Tahsildar,
West Taluk Office,
Cantonment,
Trichy-1,
Trichy District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the third respondent proceedings made in Na.Ka.No.A1/2197/2020, dated 29.05.2020, quash the same and further, direct the second respondent to pass necessary order with regard to change of classification pertaining to the petitioner's property situated at Trichy District, Trichy West Taluk, Panjappur Village S.F.No.146/4, measuring 1 hectare 27 ares (Acre 3.15 cents) on the basis of the proceedings made in Na.Ka.A1/2197/2019, dated 10.01.2020 on the file of the third respondent herein within a stipulated period as may be fixed by this Court.

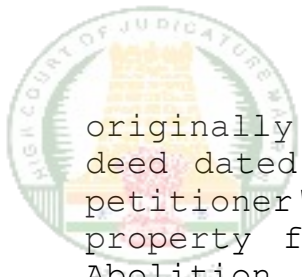
For Petitioner
For Respondents

:Mr.R.Sundar
:Mr.M.Pandiarajan
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the proceedings made in Na.Ka.No.A1/2197/2020, dated 29.05.2020 passed by the third respondent and for a direction to the respondents to reclassify the petitioner's property situated at Trichy District, Trichy West Taluk, Panjappur Village in S.F.No.146/4, measuring 1 hectare 27 ares (Acre 3.15 cents).

2.The learned counsel appearing for the petitioner would submit that the property in S.F.No.146/4 measuring 1 hectare 27 ares situated at Trichy District, Trichy West Taluk, Panjappur Village,



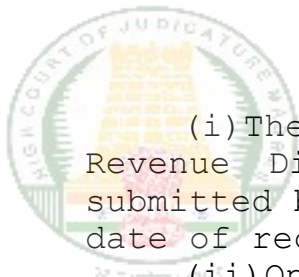
originally belonged to his father by virtue of a registered sale deed dated 24.05.1973. After paying taxes to the Government, the petitioner's father was in possession and enjoyment of the said property from the date of purchase. During the year 1965, Inam Abolition Act has been introduced. Thereafter, the petitioner's father has applied for ryotwari patta but the same was rejected. Thereafter, the petitioner was filed an appeal in CMA.No.69 of 1970 before the Inam Abolition Tribunal cum Sub Court, Trichy. After due enquiry, on 16.12.1970 the Tribunal remitted back the matter to the Settlement Tahsildar for fresh enquiry.

3.The petitioner's counsel further submitted that after due enquiry, the Settlement Tahsildar took cognizance and allowed the same stating that the petitioner's father was entitled to get ryotwari patta in respect of the property in question. But in the revenue records, it is wrongly classified as Tharisu. Therefore, he made an application to the third respondent to rectify the error committed in the revenue records. As there was no response, the petitioner was constrained to file a writ petition before this Court. On 30.04.2019, this Court, in W.P.(MD)No.23900 of 2018, directed the third respondent to pass order on the petition mentioned representation on merits and in accordance with law. Pursuant to the said order, the third respondent sent a communication to the second respondent to change the classification as Ryot Punjai in Na.Ka.A1/2197/2019, dated 10.01.2020. While so, on 29.05.2020, the third respondent has rejected the application filed by the petitioner for issuance of patta on the ground that the Tahsildar is not the competent Authority to issue patta. The Revenue Divisional Officer is the competent Authority, unless it has been classified in the revenue records. Therefore, the said impugned order is liable to be quashed.

4.During the course of argument, the learned counsel appearing for the petitioner fairly submitted that the recommendation of the Tahsildar to the Revenue Divisional Officer is still pending. Therefore, it is suffice to direct the Revenue Divisional Officer to consider the petitioner's application.

5.The learned Additional Government Pleader would submit that the petitioner shall make a representation to the Revenue Divisional Officer. Based on the recommendation of the Tahsildar, the Revenue Divisional Officer will consider such representation and pass orders on merits and in accordance with law as early as possible.

6.In view of the aforesaid submission and considering the fact that the petitioner has made an application to the Tahsildar for reclassification of the said land as ryot punjai and the recommendation made by the Tahsildar is still pending before the Revenue Divisional Officer, this Court is inclined to pass the following order:-



(i) The petitioner shall submit a detailed representation to the Revenue Divisional Officer enclosing a copy of the application submitted before the Tahsildar within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said representation, the second respondent/Revenue Divisional Officer shall consider the same and pass orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of on the above terms. No costs.

Sd/-

Assistant Registrar (ADII)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Rmi

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
District Collector's Office,
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Trichy District.
2. The Revenue Divisional Officer,
R.D.O. Office,
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Trichy District.

W.P. (MD) No. 6793 of 2020
30.07.2020