



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2020

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.15615 of 2020
and
W.M.P. (MD) No.13105 of 2020

Kaliammal

... Petitioner

-Vs-

1. The Tahsildar,
Madurai East Taluk,
Office of the Tahsildar of
Madurai East Taluk,
Y.Othakadai, Madurai.

2. Vanaja

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned memorandum in Na.Ka.No.2577/2020/A3 dated 16.10.2020 passed by the first respondent and quash the same and consequently direct the first respondent to issue patta to the land to an extent of 491 Sq.ft bearing Natham S.No.292/2 situated at Kodikulam II Bit Village, Othakadai Pirka within Madurai East Taluk, Madurai District by rectifying the defect in catergorization of the land as Government Porampokku land at the time of effecting UDR in the year 1989 in favour of the petitioner.

For Petitioner : Mr.K.Kannan
For R1 : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition has been filed challenging the order of the first respondent dated 16.10.2020 in Na.Ka.No.2577/2020/A3 and to direct the first respondent to issue patta to the land in Natham S.No.292/2 situated at Kodikulam II Bit Village, Othakadai Pirka wtihin Madurai East Taluk, Madurai District by rectifying the defect in catergorization of the land as Government Porampokku land at the time of effecting UDR in the year 1989 in favour of the petitioner.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent.

3. According to the petitioner the land in Natham S.No.292/2 situated at Kodikulam II Bit Village, Othakadai Pirka within Madurai East Taluk, Madurai District to an extent of 491 sq.ft. Was originally belongs to his mother and after her demise, the petitioner is in possession and enjoyment of the property. While so, the second respondent illegally encroached the said land. Hence, the petitioner made a petition to the first respondent to give patta in his name in respect of the land in question. After enquiry, the first respondent has come to the conclusion that 150 sq.ft., of the land in Survey No.292/2 is the Government Poromboke Natham Vacant Site. Hence, the first respondent rejected the petition of the petitioner on 16.10.2020 and refused to grant patta to him. Challenging the same, the petitioner has filed this writ petition.

4. The learned Special Government Pleader appearing for the first respondent submitted that the petitioner could prefer an appeal before the appellate Authority against the order of the Tahsildar under the Patta Passbook Act.

5. In view of the submission, made by the learned Special Government Pleader, this writ petition is dismissed. However, liberty is given to the petitioner to prefer an appeal before the appellate authority in terms of Section 12 of the Tamil Nadu Patta Passbook Act within the time stipulated under the Act. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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

The Tahsildar,
Madurai East Taluk,
Office of the Tahsildar of
Madurai East Taluk,
Y.Othakadai, Madurai.

+1 CC to the SPL GP (SR-21769[F] dated 10/11/2020)

W.P. (MD) No.15615 of 2020

09.11.2020

PU(CO)

CS(24.11.2020) 3P 3C