



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P. (MD).No.3182 of 2016

WEB COPY

S.Kumar

.. Petitioner

Vs.

The Tahsildar,  
Taluk Office,  
Ramanathapuram District.

.. Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent to consider the petitioner's representation, dated 09.11.2015 for granting patta within stipulated time frame fixed by this Court.

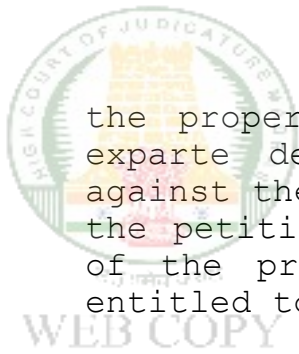
For Petitioner : Mr.R.Ganesh Prabu

For Respondent : Mr.C.Ramar  
Additional Government Pleader

**ORDER**

This writ petition is filed for issuing a direction to the respondent to consider the petitioner's representation, dated 09.11.2015, for granting patta in favour of petitioner, within the time stipulated by this Court.

2.In the representation submitted by the petitioner, the petitioner categorically admitted that the land for which the petitioner claims patta is registered as a Government Poramboke land. However, it is stated that he has put up a construction in the said property. The petitioner has produced before this Court and exparte decree obtained by the petitioner in O.S.No.237 of 1994 on the file of District Munsif Court, Ramanathapuram. The said suit was filed against two individuals by name C.K.M.Karuppaiah and Nagarajan. Even in the said suit, the petitioner admits that the suit property shows in S.No.228/2 is a Government poramboke land. The suit is filed by the petitioner's mother and brother for declaration as the suit property belong to them and one Nagarajan who is also another brother of petitioner and for injunction. The suit was decreed exparte. It is to be noted that the Government is not a party in the said suit and therefore the property which was originally classified as a Government Poramboke land cannot become



the property of petitioner or his family members in view of the exparte decree in a suit filed by the petitioner's co-sharers against the third party. No other document is produced to show that the petitioner's name was ever registered as land owner in respect of the property. In such circumstances, the petitioner is not entitled to get patta for the property.

3.It has been repeatedly held by this Court that provisions of Patta Pass Book Act does not empower the authorities to give patta to any one who does not satisfy the ingredients of Section 12 of Tamil Nadu Patta Pass Book Act for modification of revenue records. The learned Additional Government Pleader has also produced before this Court that part of S.No.228/2 has been shown as the property of National Highways and the rest of the land also is classified as Government Vacant land and lane.

4.Hence, this writ petition is dismissed. No costs.

Sd/

Assistant Registrar

/True copy/

/ /2020

Sub Assistant Registrar

TM

To  
The Tahsildar,  
Taluk Office,  
Ramanathapuram District.

+1 CC to M/s.R.GANESH PRABHU, Advocate ( SR-7005[F] dated 19/02/2020 )

+1 CC to M/s.SPL.GP ( SR-7034[F] dated 19/02/2020 )

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