



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27779 of 2013

and

M.P.No.1 of 2013

1.Pappa Naicker

2.Boomulu

...Petitioners

Vs

1. The District Collector,
Collectorate Building,
Namakkal.

2. The District Revenue Officer,
Collectorate Building,
Namakkal.

...Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to dispose of the representation dated 10.06.2013 made by the petitioners for grant of Ryotwari Punjai patta within the stipulated time and providing reasonable opportunity to the petitioner in respect of the land bearing S.No.11 to an extent of 1.78 acres in Singalanthapuram Village, Rasipuram Taluk, Namakkal District.

For Petitioners : Mr.V.Udayakumar

For Respondents : Mr.M.R.Gokul Krishnan,
Government Advocate

O R D E R

This writ petition has been filed to issue a Writ of Mandamus directing the first respondent to dispose of the representation dated 10.06.2013 made by the petitioners for grant of Ryotwari Punjai patta within the stipulated time and providing reasonable opportunity to the petitioner in respect of the land bearing S.No.11 to an extent of 1.78 acres in Singalanthapuram Village, Rasipuram Taluk, Namakkal District.

2. The case of the petitioners is that the land comprised in Survey No.10/2D, 10/4B to an extent of 56 cents and the land comprised in Survey No.11 to an extent of 1.78 cents situated at



Singalathapuram Village, Rasipuram Taluk, Namakkal District are in possession and enjoyment of the petitioners.

3. The entire village has been taken over by the Government under the provisions of the Tamil Nadu Estate of Abolition and Conversion Act 26 of 1948 and settlement proceedings were introduced in the year 1950. The said proceedings to an extent of 6.40 acres in Survey No.11 was classified as Kuttai poramboke. However, the petitioners failed to obtain patta to an extent of 1.78 acres during the settlement proceedings.

4. Further contended that the land comprised in Survey No.11 a tank poramboke nor suffering inundation to be called either as tank poramboke or as water spread area. The petitioner is cultivating the said land continuously as being a Ryotwari land. There was no tank at any point of time existing therein. The Government has also taken decision passed an order in G.O.Ms.No.1300 (Revenue) dated 30.04.1971 who are in continuous possession and enjoyment of land were entitled in patta. In cases, where the excess land does not exceed 5 acres of erecting dry or 10 acres of dry lands.

5. The petitioner further stated that challenging the cancellation of patta issued in his favour by the Commissioner of Land Administration in W.P.No.68 of 2005 and the same was allowed on 03.12.2009. Therefore the petitioners submitted their representation for issuance of patta.

6. On perusal of the counter revealed that the Singalanthapuram Village, Rasipuram Taluk an Ex-Zamindari Village was taken over by the Government under the provisions of the Tamil Nadu Estates Abolition and Conversion into Ryotwari Act, 1948. During the updating of survey operations in the year 1986, a land comprised in Survey No.11 of Singalanthapuram Village to an extent of 2.59.00 Hectares was classified as tank poramboke in the revenue records. This tank having an ayacut of 9.33.5 Hectares of land comprised in Survey No.1, 20, 65 and 66 and the water coming from the adjacent fields pass through the tank as to the needs of Ayacutdars who are paying special rate fixed.

7. However, on representation by one Kolandavelu for grant of patta, the District Revenue Officer, Namakkal issued patta to an extent of 1.15.0 Hectares in his favour and thereafter the said land was sub divided into 11/1/ 11/2 and 11/3. However, the said proceedings was set aside by the Commissioner of Land Administration by its proceedings dated 20.12.2004 and the entire land was restored as 'Tank' in the revenue records it was challenged by the said Kolandavelu in W.P.No.68 of 2005 and the same was allowed. However, the Government filed writ appeal in



W.A.No.1816 of 2011 and it is pending.

8. In fact, the Ayacutdars of Singalandhapuram also filed writ appeal as against the order passed in W.A.No.762 of 2011, both the writ appeals are pending. Therefore, the petitioners have not entitled for grant of patta and their representation cannot be considered at present. Therefore, this writ petition is devoid on merits and liable to be dismissed. However, the said Kolandavelu succeeded in the writ appeal, the petitioners are at liberty to submit a fresh representation for issuance of patta.

9. Accordingly, this writ petition is dismissed. No order as to costs. Consequently, the connected M.P.No.1 of 2013 is dismissed.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

rna

To

1. The District Collector,
Collectorate Building,
Namakkal.
2. The District Revenue Officer,
Collectorate Building,
Namakkal.

W.P.No.27779 of 2013
and
M.P.No.1 of 2013

AK-II (CO)
RGA(26/11/2021)