



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-11-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.29483 of 2013

And

MP No.1 of 2013

N.Sivakami

...Petitioner

vs.

1.The District Collector,
Collector Office,
Namakkal.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruchengode,
Namakkal District.

3.The Tahsildar,
Tahsildar's Office,
Thiruchengode,
Namakkal District.

4.A.Govindaraju

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent pertaining to his proceedings dated 03.09.2013 in Na.Ka.No.19661/2013/01 and quash the same.

For Petitioner :Mr.S.Sithirai Anandam

For Respondents-1 to 3:Mr.C.Jaya Prakash,
Government Advocate.

For Respondent-4 :Mr.N.Manokaran

O R D E R

The order dated 03.09.2013 passed by the first respondent-District Collector, cancelling the patta granted in



favour of the petitioner and permitting the public to use Survey Nos.332/12, 14, 15 as 'Vandi Padhai', is under challenge in the present writ petition.

2. The petitioner states that the property measuring an extent of 45.50 Are situates in S.F.No.333/14, Maraparai Village, Tiruchengode Taluk, Namakkal District, was assigned in favour of the petitioner. Originally the said property was enjoyed by the petitioner and her family members and paid Government taxes and having B-Memo also from the year 1983 onwards. In the year 2001, as per the Government norms poramboke lands were classified and assigned in favour of downward Community persons. On the said Scheme, in the locality of the petitioner, totally 8 beneficiaries were selected and the lands were assigned in their favour on conditional basis.

3. The grievance of the petitioner is that the patta was granted in her favour by the Tahsildar. The fourth respondent filed an objection and made a complaint for cancellation of patta. The said complaint of the fourth respondent was considered and the first respondent-District Collector passed an order cancelling the patta granted in favour of the petitioner.

4. Perusal of the order impugned dated 03.09.2013 reveals that the first respondent-District Collector conducted an elaborate enquiry with reference to the revenue records and the allegations set out by the parties. The findings of the first respondent-District Collector states that the patta was granted without verifying all the relevant revenue records and as per the revenue records, the subject property is classified as 'Vandi Padhai'. Therefore, the said 'Vandi Padhai' is to be maintained for the purpose of public usage. Based on these facts, the patta granted in favour of the petitioner was cancelled.

5. Even as per the provisions of the Patta Pass Book Act, if any dispute arises with reference to the ownership or title, the aggrieved person has to approach the Competent Civil Court of Law for establishing his/her title or ownership.

6. In the present case, the patta was granted in favour of the petitioner and on complaint by the fourth respondent, the first respondent-District Collector conducted an elaborate enquiry and cancelled the patta. Beyond that the first respondent-District Collector found that the subject property is classified as 'Vandi Padhai'. Therefore, it is made for the usage of public in general.



7. This being the factum established, if at all the petitioner claims that she is the owner of the property, then she has to approach the Competent Civil Court of Law and establish her title or ownership in respect of the property in question. However, the impugned order is categorical, which was passed after conducting a detailed enquiry and the first respondent-District Collector also found that the subject property is a 'Vandi Padhai'. Thus, this Court do not find any acceptable ground for the purpose of interfering with the findings made by the first respondent-District Collector in the impugned order dated 03.09.2013.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

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To

1.The District Collector,
Collector Office,
Namakkal.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruchengode,
Namakkal District.

3. The Tahsildar,
Tahsildar's Office,
Thiruchengode,
Namakkal District.

+1 CC to Mr.N.Manokaran, Advocate sr 59855
+1 CC to The Government Pleader sr 60032.

W.P.29483 of 2013

PMK(CO)
SP(30/11/2021)