

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2021

CORAM:

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No.10923 of 2018  
and W.M.P. No.12846 of 2018

E.Suresh

.. Petitioner

Vs

1.The District Collector,  
Cuddalore.

2.The Revenue Divisional Officer,  
Cuddalore.

3.The Tahsildar,  
Cuddalore.

.. Respondents

Writ 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 proceedings in O.Mu.A3/209/2018 dated 04.04.2018 on the file of the second respondent and to quash the order passed therein consequently to direct the respondents herein to issue a permanent patta in favour of the petitioner in respect of the land measuring 0.82 cents comprised in Old Survey No.14/1, New Survey No.772/1, Chellankuppam Village, Cuddalore Taluk.

For Petitioner : Mr. W.M.Abdul Majeed

सत्यमेव जयते

For Respondents : Mrs. A.Madhumathi  
Special Government Pleader

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O R D E R

This writ petition is filed for issuing a writ of Certiorarified Mandamus calling for the records relating to the proceedings in O.Mu.A3/209/2018 dated 04.04.2018 on the file of the second respondent and to quash the order and to direct the respondents herein to issue a permanent patta in favour of the petitioner in respect of the land measuring 0.82 cents comprised in Old Survey No.14/1, New Survey No.772/1, Chellankuppam Village, Cuddalore Taluk.

2. This Court while disposing of the earlier petition filed by the petitioner has directed the Tahsildar to consider

the petitioner's representation dated 06.05.2017 and pass orders in accordance with law after giving notice to all the interested parties, within a period of twelve weeks. The Tahsildar thereafter, passed an order rejecting the petitioner's representation by rendering a finding that the land to which the petitioner seeks patta is a Government poromboke land and that the land is lying fallow and it is not in the encroachment of the petitioner. When the petitioner filed an appeal, the Appellate Authority also rejected the appeal giving the same reasons. It is seen that both the Tahsildar and Revenue Divisional Officer have not given any opportunity to the petitioner before passing orders.

3. It is admitted that the petitioner claims patta in respect of Government poromboke land. In such circumstance, the petitioner has no right as on date. However, the petitioner may seek assignment if it is shown by the petitioner that he is in enjoyment of land by doing cultivation and that the land is not required for any public purpose. It is possible that the petitioner's application for patta can be rejected for any reason. But the respondent shall hear the petitioner and decide one way or the other in the light of the order passed by this Court in the earlier writ petition filed by the petitioner. However, the impugned order refusing to grant patta cannot be set aside as it is not for the Tahsildar or the Revenue Divisional Officer to grant patta in respect of Government Poromboke lands. However the petitioner's representation can be treated as a request for giving assignment, if it is permissible in law, or as per the revenue standing orders. For the limited purpose of considering the petitioner's request for assignment, it is open to the petitioner to approach the Tahsildar for assignment in terms of revenue standing orders if the land is put to use by the petitioner for agricultural purpose and it is permissible for the respondent to assign the lands in the event, when the assignment is not objectionable and the land is not required for any public purpose.

4. Keeping in the mind the observation of this Court, the petitioner's representation, if any, for assignment of land shall be considered by the respondents within a period of six weeks from the date of receipt of such representation from the petitioner which should be submitted within a period of two weeks from the date of receipt of a copy of this order.

5. With the above directions this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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To

1.The District Collector,  
Cuddalore.

2.The Revenue Divisional Officer,  
Cuddalore.

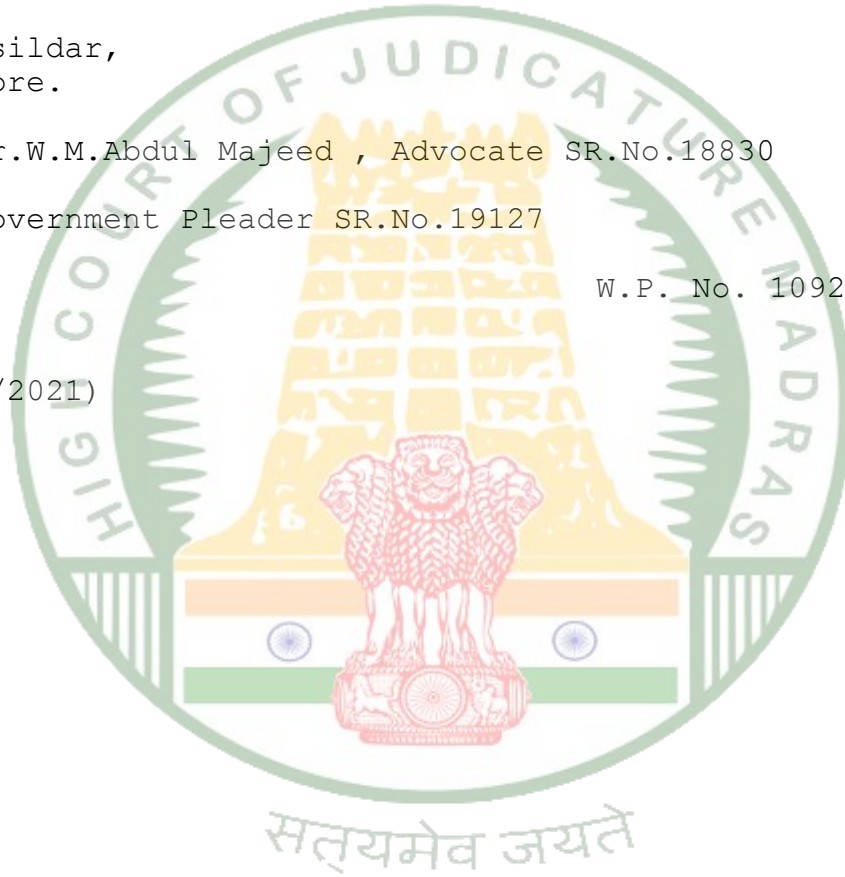
3.The Tahsildar,  
Cuddalore.

+1cc to Mr.W.M.Abdul Majeed , Advocate SR.No.18830

+1cc to Government Pleader SR.No.19127

W.P. No. 10923 of 2018

CP(CO)  
GMY(09/07/2021)



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