



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.8507 of 2006

AL.Shanmugam

... Petitioner

Vs.

1.The District Revenue Officer

DRO Office,

Sivagangai,

Sivagangai District.

2.The Revenue Divisional Officer,

RDO Office,

Devakottai,

Sivagangai District.

3.The District Collector

District Collectorate,

Sivagangai

Sivagangai District.

4.N.Vanniaperumal

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent herein in Na.Ka.B1/46664/02 dated 21.03.2006 and quash the same and further direct the first respondent herein to hold re-enquiry as per section 13 of Tamil Nadu Patta Pass Book Act, 1983.

For Petitioner

: Mr.R.Sundar

For Respondents 1 to 3

: Mr.N.Satheesh Kumar

Additional Government Pleader

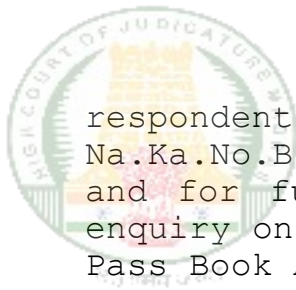
For 4th Respondent

: Mr.S.Madhavan

O R D E R

Heard Mr.R.Sundar, learned counsel for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader for the respondents 1 to 3 and Mr.S.Madhavan, learned counsel for the fourth respondent.

2.The writ petition has been filed in the year 2006 seeking a Certiorified Mandamus with respect to an order of the first



respondent/District Revenue Officer, Sivagangai in Na.Ka.No.B1/46664/02 dated 21.03.2006 and to interfere with the same and for further direction against the said respondent to hold an enquiry once again in accordance with Section 13 of Tamil Nadu Patta Pass Book Act, 1983.

WEB COPY

3.The contention of the writ petitioner in his affidavit was that he had been residing at Sundakadu @ Vailkalathur, Thiruppathur Via, Sivagangai District, which property is situated at S.F.Nos.133/9 and 133/23A of Vaikalathur Taluk, Thiruppathur Taluk, Sivagangai District. He claims that his properties are ancestral properties.

4.However, the Tahsildar, Thiruppathur Taluk has granted patta in favour of the fourth respondent. The petitioner had therefore, preferred an appeal before the second respondent / Revenue Divisional Officer, Devakottai, Sivagangai District. The Pattas were re-transferred to the name of the petitioner. He continued to enjoy the property. However, the second respondent thereafter, according to the petitioner, without any notice had cancelled that particular order.

5. The petitioner then filed a writ petition in the year 2002 in WP(MD) No.32114/2002. The High Court had directed the petitioner to file an appeal before the first respondent /District Revenue Officer. The petitioner had filed a revision before the first respondent. The petitioner claims that notice was not given but that the impugned order had been passed and now he questions the said impugned order.

6.It is claimed by the learned counsel for the respondents that the land in question is actually Government lands and therefore, the petitioner cannot claim any right, title or interest over the said land. In the impugned order, a copy of which has been filed along with the writ petition, the first respondent had stated that the District Munsif Court, Thiruppathur in O.S.No.40 of 2002 had examined the nature of land in survey No.133/23A and by a judgment, dated 29.09.2004 had given a finding that the said property is actually a public pathway in possession for the benefit and usage of the public and therefore, it has been classified as a public pathway.

7.This is a finding on fact. Since the civil Court had given such finding on the basis of evidence adduced, the first respondent, holding himself bound by such a decision of the civil court, he had also refused to grant patta in favour of the petitioner herein and had recognized the patta in favour of the fourth respondent.



8.This being a finding on fact, I would hesitate to interfere with the order of the District Revenue Officer and accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

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:-

- 1.The District Revenue Officer
DRO Office,
Sivagangai,
Sivagangai District.
- 2.The Revenue Divisional Officer,
RDO Office,
Devakottai,
Sivagangai District.
- 3.The District Collector
District Collectorate,
Sivagangai
Sivagangai District.

+1 CC to M/s.SPL GP (SR-34769[F] dated 17/11/2021)

W.P(MD)No.8507 of 2006

(1/2)

15.11.2021

SJ(CO)

GC(21.12.2021) 3P 5C