



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8503 of 2021

K.Mani

... Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.
2. The District Revenue Officer,
Madurai District, Madurai.
3. The Revenue Divisional Officer,
Melur @ Velaripatti, Madurai District.
4. The Tahsildar,
Melur Taluk, Madurai District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to restore patta No.1302, for the petitioner's land in Survey No.20/2, Poothamangalam Village, Melur Taluk, Madurai District, in favour of the petitioner within time frame fixed by this Court by considering the petitioner's representation dated 12.12.2020.

For Petitioner : Mr.V.Sukumar

For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 12.12.2020, wherein, the petitioner has sought for restoration of the patta in the name of the petitioner within the time limit fixed by this Court.

2. The case of the petitioner is that he is the owner of the subject property by virtue of a registered sale deed dated 22.09.1989. The further case of the petitioner is that the respondents attempted to disturb the peaceful possession and enjoyment of the subject property. Therefore, the petitioner filed a suit in O.S.No.302 of 2015, before the District Munsif Court, Melur, seeking for the relief of permanent injunction.

3. The learned District Munsif, after considering the facts and circumstances of the case and also the oral and documentary



evidence, found that the fourth respondent had proceeded to classify the property as Panchami lands and had also cancelled the patta issued in favour of the petitioner in Patta No.1302, without affording an opportunity to the petitioner. The findings of the learned District Munsif, Melur, makes it very clear that there were absolutely no records to show the basis on which the fourth respondent had proceeded to classify the land as Panchami lands. That apart, there is also a specific finding to the effect that the petitioner was never put on notice and all of a sudden, the classification was changed and the patta issued in favour of the petitioner was cancelled. Therefore, the trial Court held that the petitioner, who had been in possession and enjoyment of the property for nearly 32 years cannot be deprived of his right over the property and hence, the suit was decreed as prayed for by judgment and decree dated 31.01.2019.

4. It is stated that this judgment has become final and no appeal has been filed by the respondents. The petitioner has also relied upon the order passed by the Division Bench in W.A.(MD). No.1064 of 2019, dated 24.10.2019, wherein, in a very similar case, the Division Bench had held that the change in classification of the land as panchami lands, without affording an opportunity to the owner of the property, is in gross violation of the principles of natural justice and the Division Bench confirmed the order of the learned Single Judge, who had declared the classification of the land as illegal.

5. The petitioner based on the above, had made a representation on 12.12.2020 to the respondents requesting for the restoration of the patta in his name with respect to the subject property. Since the same was not considered, the present Writ Petition has been filed before this Court seeking for appropriate directions.

6. Heard Mr.V.Sukumar, learned counsel appearing on behalf of the petitioner and Mr.K.P.Narayana Kumar, learned Special Government Pleader appearing on behalf of the respondents.

7. Taking into consideration the facts and circumstances of the case and also after considering the decree that was passed in favour of the petitioner by a competent Civil Court, there shall be a direction to the second and third respondents to consider the representation made by the petitioner on 12.12.2020 and pass appropriate orders in accordance with law with regard to the restoration of the patta in favour of the petitioner within a period of eight (08) weeks from the date of receipt of a copy of this order.



8. The petitioner is directed to make a fresh representation to the second and third respondents along with all the relevant documents and also a copy of this order.

9. The Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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.

tsg

To

1. The District Collector,
Madurai District, Madurai.
2. The District Revenue Officer,
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3. The Revenue Divisional Officer,
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4. The Tahsildar,
Melur Taluk, Madurai District.

+1 CC to M/s.SPL GP (SR-17742[F] dated 27/04/2021)

Order made in

W.P. (MD) .No.8503 of 2021

Dated:

26.04.2021

GS (19.05.2021) 3P 6C