



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM

THE HONOURABLE MR.JUSTICE **C.V.KARTHIKEYAN**

W.P. (MD)No.5768 of 2019

P.Ganesan

... Petitioner

vs.

1.The District Revenue Officer,
Collectorate, Pudukottai District.

2.The Revenue Divisional Officer,
Aranthangi, Pudukottai District.

3.The Tahsildar,
Aranthangi Taluk, Pudukottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the first respondent by his proceedings in Ni.Mu.12099/2016 T3, dated 02.01.2019, quash the same as arbitrary and consequently, to direct the first respondent to issue patta for S.F.No.40/B1 in Silatur Village, Aranthangi Taluk, Pudukottai District.

For Petitioner : Mr.R.Paranjothi

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader

O R D E R

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with the order passed by the first respondent/District Revenue Officer, Pudukottai District, dated 02.01.2019, in Ni.Mu.12099/2016 T3.

2.Heard Mr.R.Paranjothi, learned Counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

3.The case of the Writ Petitioner is that he had put up a small thatched shed in Sivan Koil Street, Silatur, nearly about 47 years. As a fact, this has also been confirmed in the impugned order. He had also stated that he had obtained electricity service connection and has been paying house tax to Silatur Panchayat. This averment stated by the petitioner is also not disputed in the impugned order. The petitioner has also obtained family card. He claimed that he has been residing in the house for about 47 years. In the impugned order, it had been stated



that as a fact, the petitioner had been residing in the particular place.

4.The petitioner was not granted patta. Therefore, the proceedings commenced before the revenue authorities. He gave a petition before the District Collector. The District Collector in his proceedings, dated 04.12.2015, forwarded the petition of the petitioner seeking patta to the third respondent/Tahsildar, Aranthangi Taluk, Pudukottai District. An inspection was conducted by the Tahsildar, and the Tahsildar, informed that S.F.No.40/B1, Silatur Village, had been classified as Vandipathai and therefore, patta cannot be granted to the petitioner. The petitioner questions that particular finding claiming that owing to a mistake, there has been a wrong classification in the revenue records.

5.The petitioner, then, submitted a resolution passed by Silatur Panchayat, dated 17.09.2010 recommending to grant patta with respect to S.F.No.40/B1 to the petitioner. But, the third respondent had not granted patta stating that the District Collector alone has powers to re-classify of land. Therefore, questioning the report of the Tahsildar, the petitioner submitted a representation to the District Collect. He had also given a representation to the second respondent, namely, the Revenue Divisional Officer at Aranthangi requesting them to do further inspection.

6.Since no action had been taken, the petitioner, thereafter, filed Writ Petition in W.P.(MD)No.12270 of 2016, seeking interference with the order of the Tahsildar, wherein, the land occupied by the petitioner was classified as Vandipathai. A learned Single Judge of this Court had directed the District Collector to consider the representation, dated 12.07.2016.

7.It is the further claim of the petitioner that the Revenue Inspector had again inspected the property of the petitioner and in his report, he stated that the property is the ancestral property of the petitioner and that he had been in possession for more than 40 years. He also stated that S.F.No.40/B1 actually measures 0.31 cents and that patta has been granted in the names of other individuals also. Thereafter, the first respondent had passed the order, which is now impugned.

8.In the order, the first respondent had confirmed the finding of the Revenue Inspector that the petitioner has been in possession for well over 30 years. After extracting that particular report, the first respondent had, however, rejected the claim for patta on the ground that the petitioner had not produced any documents to show how he was entitled to the lands from the



settlement pattadhars and also that he had not produced encumbrance certificate from the year 1950.

9.I would remit the matter back to the District Revenue Officer/first respondent, since these are issues on facts and the petitioner must be given necessary opportunity to produce the encumbrance certificate and also the documents, under which he claims rights, as having been granted from the settlement pattadhars. Those documents can be appreciated only by the District Revenue Officer.

10.Therefore, the order under question is set aside to that particular limited extent and the petitioner is given the opportunity of forwarding requisite documents to the District Revenue Officer, Pudukottai who may take up the matter for enquiry once again and if necessary documents are produced by the petitioner, pass necessary orders in accordance with the earlier report of the Revenue Inspector and the reasons given in the very same order. In view of the fact that the order has been aside to that limited extent, let the first respondent once again issue notice to the petitioner and enquire to that limited extend and pass orders. Such enquiry should be completed within a period of twenty weeks from the date of receipt of a copy of this order.

11.With the said observations, this Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cmr

To

1.The District Revenue Officer,
Collectorate, Pudukottai District.

2.The Revenue Divisional Officer,
Aranthangi, Pudukottai District.

3.The Tahsildar, Aranthangi Taluk, Pudukottai District.
+1 CC to M/s.SPL GP (SR-36042[F] dated 26/11/2021)

W.P. (MD)No.5768 of 2019
25.11.2021