



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2022

CORAM:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WRIT PETITION NO.894 OF 2022

AND

W.M.P.NO.980 OF 2022

P.Sakthivel

.. Petitioner

Vs.

1. The Secretary to the Government,
Revenue Department,
Fort St.George, Chennai-600 009.
2. The Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.
3. The District Collector,
Salem District, Salem.
4. The Revenue Divisional Officer,
Attur Division, Attur, Salem Distirct.
5. The Tahsildar, Thalaivasal Taluk,
Salem District.
6. The Sub-Registrar Office,
Attur Taluk, Salem District.
7. Inbarasi
8. M.Chinnusamy
9. P.Sekar
10. C.Palanimuthu
11. P.Valliammal
12. C.Murugesan
13. S.Muthusamy
14. C.Selvaraju
15. R.Vijayakumar
16. R.Selvi
17. D.Selvi



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18. S.Karupaye
19. S.Maruthamuthu
20. M.Lakshmanan
21. M.Kaliyan
22. S.Chinnusamy
23. R.Padma
24. M.Murugesan
25. S.Rajamanikam
26. P.Rajendran
27. S.Anajalai
28. A.Koothen
29. M.Santhi
30. S.Ponnusamy
31. C.Rayamuthu
32. S.Dakishnamoorthy
33. K.Sengamuthu
34. P.Thangarasu
35. V.Nallamuthu
36. A.Durairasu
37. K.Uma Maheswari

(Respondents 9 to 37 are impleaded
vide order dated 24.02.2022
passed in W.M.P.No.3768 of 2022
in W.P.No.894 of 2022)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to take immediate action on the representation dated 31.12.2021 given by the petitioner, to protect the Government land in Survey No.245/18, originally classified as Pananthope Poramboke (Palmgrove Government land) comprised in Kattukottai Revenue Village, Thalaivasal Taluk, Salem District, measuring an extent of 0.40.5 hectare, from land grabbers, by cancelling the pattas standing in the names of the respondents 7 to 37 and resume the land to the Government, within a reasonable time as may be fixed by this Court.

(prayer amended vide order dated 03.03.2022 passed in W.M.P.No.4942 of 2022 in W.P.No.894 of 2022).

For petitioner : Mr.A.E.Ravi Chandran

For respondents : Mr.P.Muthukumar,
State Govt. Pleader for RR-1 to 6
Mr.L.Rajendran for RR-9,14 and 18
No appearance
for RR-11, 12, 13 and 15



ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The amended prayer now made is to challenge the Pattas issued in favour of the private respondents. The remedy of appeal lies before the Revenue Divisional Officer to challenge the Pattas, but without availing the aforesaid remedy of appeal, Writ Petition has been filed alleging that pursuant to the decision taken in the year 1993, the Pattas have now been issued unauthorisedly and illegally. Files of the year 1993 are missing and otherwise, if the land was re-classified in the year 1993 for issuance of Pattas, even many of the applicants who are minors, would not even be eligible to get the Pattas. Thus, the wholesome irregularities have been committed in grant of Pattas. We find that all the issues referred to above, apart from any other issue, can be raised before the Revenue Divisional Officer by way of appeal, to challenge the Pattas. Accordingly, the petitioner is given liberty to file an appeal before the Revenue Divisional Officer concerned to challenge the Pattas and looking into the fact that the petitioner was bona-fidely pursuing the present Writ Petition, limitation in filing the said appeal would not come in his way as an exception, if the appeal, if any, is filed by the petitioner within a period of one month from today to challenge the Pattas. The Revenue Divisional Officer is directed to consider each and every aspect of the matter raised by the petitioner with a speaking order dealing with the issue. With the aforesaid direction, the Writ Petition is disposed of. It is however made clear that if the appeal is preferred by the petitioner within one month from today, the pendency of the appeal in reference to any rejection made now onwards, would remain subject to the final outcome of the appeal. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

CS

To

1. The Secretary to the Government,
Revenue Department,
Fort St.George, Chennai-600 009.



2. The Commissioner of Revenue Administration,
Chepauk, Chennai-600 005.

3. The District Collector,
Salem District, Salem.

4. The Revenue Divisional Officer,
Attur Division, Attur, Salem District.

5. The Tahsildar, Thalaivasal Taluk,
Salem District.

6. The Sub-Registrar Office,
Attur Taluk, Salem District.

+1cc to M/s.L.Rajendran, Advocate, S.R.No.27583

+1cc to Mr.A.E.Ravi Chandran, Advocate, S.R.No.27431

+1cc to the Government Pleader, S.R.Nos.27704, 28179

Writ Petition No.894 of 2022

NK(CO)
RLP(05/05/2022)