



W.P.No.33648 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.33648 of 2018

and

W.M.P.No.39055 of 2018

Asthanthira Kolla Naidu

Kalyana Mandapam Trust @ Thottiyar Madam,

Rep by its President V.S.Ravichandran

No.2/222, Vettaikaran Koil, Nagadevanpalayam Post

Gopichettypalayam Taluk,

Erode District.

. . . Petitioner

Vs.

1. The Additional Chief Secretary to Govt.
Commissioner of Land Administration,
Ezhilagam, Chennai-600 005.
2. The District Collector,
Tiruppur District,
Tiruppur.
3. The District Revenue Officer,
Tiruppur District,
Tiruppur.



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4. The Tahsildar,
Avinashi Taluk,
Tiruppur District.

. . . Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or other any other appropriate Writ, Order or Direction in the nature of a Writ of Certiorarified Mandamus to call for the entire records relating to the impugned proceedings of the 1st respondent in his Proc.No.K4/9994/2016, datd 04.10.2018 and quash the said impugned proceedings of the 1st rspondent dated 04.10.2018 and direct the respondents to issue patta to the petitioner's property situated at S.F.No.85/D15, Door No.47, West Rada Street, Avinashi Village, Thiruppur District.

For Petitioners : M/s.M.Sriram

For Respondents : Mr.U.Baranidharan,
Additional Government Pleader

ORDER

The present petition has been filed seeking to quash the impugned proceedings of the 1st respondent which came to be passed on 04.10.2018 and direct the respondents to issue patta in favour of the petitioners with respect to the petitioner's property situated at S.F.No.85/D15. Door No.47, West Rada Street, Avinashi Village, Thiruppur District.



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2. It is the case of the petitioner that the petitioner trust is having a landed property for the purpose of putting up a Kalyana Mandapam in the name and style of Asthanthira Kolla Naidu Kalyana Mandapam or Thottiyar Madam, which trust is situated at S.F.No.85/D15, Door No.47, West Ratha Veethi, Avinashi Village and Taluk, Tiruppur District, measuring to an extent of about 6586 Sq.Ft. The above said property is comprised of a vacant site and old tiled building to house the office of the trust and few shops. In order to put up a construction in the said property, the petitioner made a representation dated 08.05.2015 to the respondents seeking grant of patta in respect of the trust property, however, the petitioner's claim was rejected on the ground that the subject property is classified as Natham Poramboke land, against which, the petitioner had preferred a Review Petition before the 1st respondent, who, having conducted an enquiry and after hearing the petitioner had passed the impugned order. Challenging the same, the petitioner has come up with the present petition.



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3. Learned counsel for the petitioner submits that the petitioner is in possession of the property and holds the title to the said property and a mere classification of the subject property as Natham Poromboke cannot be a ground for rejecting the petitioner's claim for grant of patta. Accordingly, he prays for allowing this Writ Petition.

4. Learned Additional Government Pleader appearing for the respondents submits that classification having been shown as Natham Poromboke, the petitioner, without proving his title, cannot claim any right over the property and the respondent has rightly rejected the petitioner's claim and no interference is called for.

5. This Court, heard the learned counsel on the either side and perused the materials available on record.

6. The petitioner has to establish his title before the Competent Civil Court by filing appropriate suit and it cannot be adjudicated by the Revenue Authorities. In such view of the matter, liberty is granted to the



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petitioner to file appropriate suit before the competent civil court and if such application is filed, the trial court is directed to consider the said suit without in any way being influenced by the order impugned in this Writ Petition. If the petitioner succeeds the suit, the petitioner is at liberty to file appropriate application before the revenue authorities for grant of patta which shall be considered on the basis of the order/decreed that may be passed in the suit.

7. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petition is closed.

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Index : Yes / No

Internet : Yes / No



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