



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P(MD)No.13243 of 2010

WEB COPY

1.C.Dhanasingh

2.C.Subasingh

3.C.Gunasingh

4.C.Vijayasingh

5.C.Rajasingh

6.C.Rajendrasingh

... Petitioners

Vs

1.The Principal Secretary,
Commissioner of Land Administration,
Chepauk, Chennai.

2.The Commissioner and
Director of Survey and Settlement,
Chennai - 5.

3.The Assistant Settlement Officer (South),
Office of the Director of Survey and Settlement,
Chennai -5.

4.Rahmath Nagar Welfare Association,
Rahmath Nagar, Tirunelveli -11,
Represented by its Secretary,

5.LKS.Basheer Mohaideen,
Lebbai Street, Melapalayam,
Tirunelveli -5

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Certiorarified Mandamus, calling for the records relating to the proceedings in R.C(K)K1/33633/2007 dated 31.03.2010 on the file of the first respondent and quash the same and further directing the respondent Nos.1 to 3 to consider the claim in respect of the land in Survey No.6/1, Sivanadiyarkulam Village, Palayamkottai Taluk, Tirunelveli District to the extent of 7.25.0 hectares and grant patta in favour of the petitioners.



For Petitioner : Mr.M.P.Senthil
For Respondent : Mr.A.Baskaran,
Nos.1 to 3 Additional Government Pleader
For Respondent : Mr.P.Samuel Gunasingh
No.4
For Respondent : Mr.None Appeared
No.5

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ORDER

This writ petition is filed as against the order of the first respondent in R.C(K)K1/33633/2007 dated 31.03.2010, in and by which, the request of the petitioners for grant of patta was rejected.

2.The petitioners have submitted an application to the Tahsildar seeking ryotwari patta with regard to Survey No.6/1 to an extent of 15.60.0 hectares of Government Poramboke tank in Sivanaidarkulam Village, Palayamkottai Taluk in Tirunelveli District.

3.The request of the petitioner was considered by the Tahsildar and it was recommended to the District Collector for issuance of necessary orders for grant of patta. The District Collector concerned in turn referred the proposal to the first respondent Commissioner of Land Administration, Chepauk, Chennai and the same was disposed of by order dated 31.03.2010 that the land to which patta sought was already declared as waterbody - poramboke during the settlement in the year 1965. The first respondent has also passed a detailed order assigning reasons that patta can be granted under the provisions of the Tamil Nadu Inam Estate (Abolition and Conversion into Ryotwari), Act 1963.

4.The learned Counsel for the petitioners prayed that the petitioners must be given liberty to workout their remedy in the manner known to law as per the dictum laid down by the Hon'ble Supreme Court in **State of Tamil Nadu Vs Ramalinga Samigal Madam** reported **in (1985) 4 SCC 10**.

5.This Court is convinced that there is no error in the orders passed by the first respondent and therefore, this writ petition is dismissed and it is always open to the petitioner to work out his remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



dsk

To

1.The Principal Secretary,
Commissioner of Land Administration,
Chepauk, Chennai.

2.The Commissioner and
Director of Survey and Settlement,
Chennai - 5.

3.The Assistant Settlement Officer (South),
Office of the Director of Survey and Settlement,
Chennai -5.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-22657[F] dated 29/04/2022)

+1 CC to M/s.SPL.GP (SR-23212[F] dated 02/05/2022)

W.P(MD)No.13243 of 2010
28.04.2022

nsn(CO)

TR(13.06.2022) 3P 6C