



W.P(MD)No.8709 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 03.11.2022
DELIVERED ON : 08.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.8709 of 2011

1.S.Sebasthiar (Died)

2.Justin

3.Augustin Raja

... Petitioners

(Petitioners 2 and 3 are substituted vide Court order, dated 05.07.2022, in W.M.P(MD)No.9973 of 2022 in W.P(MD)No.8709 of 2011)

Vs.

1.The District Collector,
District Collectorate,
Trichy-1,
Trichy District.

2.The District Revenue Officer,
D.R.O. Office,
District Collectorate,
Trichy-1,
Trichy District.

3.The Revenue Divisional Officer,
R.D.O. Office,
District Collectorate,
Trichy-1,
Trichy District.

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4.The Tahsildar,
Taluk Office,
Srirangam,
Trichy-6,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent's proceedings made in Na.Ka.Aa2/67353/2006, dated 02.02.2011, quash the same and further directing the second respondent to make necessary rectification in the classification of the lands situated at Trichy District, Srirangam Taluk, Kulathur Vilalge, bearing S.F.No.91 measuring 10 Acre 70 cents.

For Petitioners : M/s.R.Sundar

For Respondents : M/s.M.Lingadurai
Special Government Pleader

ORDER

The present Writ Petition has been filed challenging the order passed by the second respondent herein and for a direction to the second respondent to make necessary rectification in the classification of the lands situated in S.F.No.91, measuring 10.70 acres in Kulathur Village, Srirangam Taluk, Trichy District.



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2. According to the learned Counsel for the petitioner, the above said property belongs to the family of the writ petitioner and up to the year 1980, the revenue records for the above said lands indicated that the classification is a Ryotwari Punjai. However, during UDR proceedings, it was wrongly classified as a "Government Poromboke". Hence, the petitioner has presented an application before the fourth respondent herein on 07.08.2006, for rectification of the said classification.

3. The learned Counsel appearing for the petitioner has contended that the fourth respondent has forwarded the same to the second respondent and ultimately the second respondent sought for, an explanation from the first respondent with regard to the jurisdiction over the said change of classification. On 07.08.2009, the fourth respondent herein sought for clarification from the Commissioner of Land Administration, Chennai. The Commissioner of Land Administration has informed that the District Revenue Officer can effect change of classification.



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4. The learned Counsel for the petitioner has further contended that accordingly, the second respondent has conducted an enquiry and on 02.02.2011 he had rejected the petition on the ground that even assuming that a patta was granted under Tamil Nadu Act 26 of 1948, it got cancelled automatically. The said order is under challenge in the writ petition.

5. According to the learned Counsel for the writ petitioner, during settlement proceedings, patta was granted in favour of the writ petitioner's family for Survey No.91. As per the settlement proceedings, Survey No.91 was classified as ryotu punjai and patta was granted in patta No.942. In the remarks column, it was mentioned as a recognized private tank. However, during UDR proceedings, the Survey No.91 was classified as a "Government Poromboke". Hence, he contended that the erroneous classification has crept in during UDR proceedings and the same has to be rectified by the second respondent herein.

6. The learned Counsel appearing for the writ petitioner also relied upon the patta issued in the name of the writ petitioner's family members in patta No.942. The learned Counsel for the writ petitioner contended that it



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was not a tank at any point of time and hence, the patta granted in favour of the writ petitioner's family under Act 26 of 1948 would not get cancelled. But during UDR proceedings, under an erroneous assumption that it is a tank, it was wrongly classified as a "Government Poromboke". Hence, he prayed for allowing the writ petition and directing the revenue authorities to reclassify the said survey number as a ryotu punjai.

7. Per contra, the learned Special Government Pleader appearing for the official respondents had contended that, no doubt patta has been granted in favour of the writ petitioner's father under Act 26 of 1948 in patta No. 942. However, the remarks column in the 'A' Register during the said period will clearly indicate that it is a private tank. Thereafter, Act 26 of 1948 was amended and Section 14A(2) was introduced, under which, it was held that, any patta that was granted already in respect of a private tank would get cancelled automatically. Hence, the petitioner cannot rely upon a patta granted during the settlement proceedings to seek for a revenue patta. Hence, he prayed for dismissal of the writ petition.

8. I have carefully considered the submissions made on either side.



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9. There is no dispute that the petitioner's father was granted patta in patta No.942 during settlement proceedings under Act 26 of 1948. Thereafter, during UDR proceedings, the said survey number has been classified as a "Government Poromboke" on the ground that it is a tank.

10. The petitioner claims that an erroneous classification has been made during UDR proceedings. However, a perusal of the patta granted during the settlement proceedings will clearly indicate that, though Survey No.91 was classified as a ryotu punjai and patta was granted in favour of the writ petitioner's father, the remarks column clearly indicated that it is a private tank. Hence, it is clear that the patta has been granted for a private tank under Act 26 of 1948. The said Act was amended and Section 14A(2) was introduced in the year 1974, under which, all pattas that were granted for a private tank would get automatically cancelled. In view of the above said amendment, the patta that was granted in favour of the writ petitioner's father during settlement proceedings got automatically cancelled. Hence, the revenue authorities have rightly classified the same as a "Government Poromboke" during the UDR proceedings. FMB sketch for Survey No.91



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also indicates that it is classified as Susai Udaiyar Kuttai. Hence, I do not find any illegality or infirmity in the order passed by the second respondent herein, in refusing to reclassify the same as a ryotu punjai, on the basis of settlement patta granted in favour of the writ petitioner's father.

11. In view of the above said facts, I do not find any illegality or infirmity in the impugned order. The writ petition stands dismissed. There shall be no order as to costs.

08.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

1.The District Collector,
District Collectorate,
Trichy-1,
Trichy District.

2.The District Revenue Officer,
D.R.O. Office,
District Collectorate,
Trichy-1,
Trichy District.

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R.VIJAYAKUMAR, J.

btr

3.The Revenue Divisional Officer,
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Trichy District.

4.The Tahsildar,
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Srirangam,
Trichy-6,
Trichy District.

Order made in
W.P(MD)No.8709 of 2011

08.11.2022