



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :01.02.2022

CORAM

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).Nos. 15129 and 15130 of 2013
and
W.M.P(MD)Nos.5521 and 9648 of 2021
and 1 of 2014,

W.P(MD)No.15129 of 2013

S.P.Palaniyandi

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Revenue Divisional Officer,
Madurai - 625 020.

3.The Tahsildar,
Madurai South Taluk,
Madurai - 625 020.

4.The Tahsildar,
Tiruparankunram Taluk,
Madurai.

...Respondents

**(* R4 is impleaded vide Court
Order dated 22.03.2021
in WMP(MD).4893 of 2021)**

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 impugned notice in Na.Ka.No.8586/13-N, dated 22.11.2013, issued by the second respondent to the petitioner and quash the same and consequently direct the respondents to consider the petitioner's representation dated 01.07.2013 to implement the order of the Assistant Settlement Officer in S.R 1/2007 Tamil Nadu Minor Inams Act 30/63, dated 30.04.2012 by registering the petitioner's name as Pattadar in the Revenue Records.

**(*Prayer amended vide Court
order dated 22.03.2021)**



For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
For M/s.M.Prabhakaran

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

W.P(MD)No.15130 of 2013

C.Paramasivam ... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Revenue Divisional Officer,
Madurai - 625 020.

3.The Tahsildar,
Madurai South Taluk,
Madurai - 625 020.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 01.07.2013, to implement the order of the Assistant Settlement Officer in SR 1/2007 Tamil Nadu Minor Inams Act 30/63, dated 30.04.2012 by registering the petitioner's name as pattadar in the revenue records.

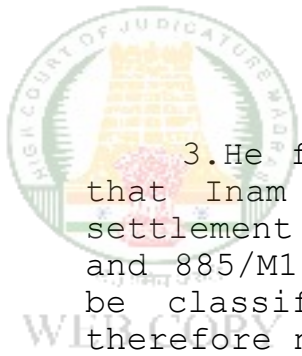
For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
For M/s.M.Prabhakaran

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

C O M M O N O R D E R

In view of the fact that the issues raised are the same and the nature of relief sought is also same, a common order is passed.

2.The petitioner in W.P(MD)No.15129 of 2013, S.P.Palaniyandi claims that he is entitled for the lands in S.Nos.214/2 measuring an extent of 0.23.5 ares, 214/5 measuring an extent of 0.07.5 ares, 214/4 measuring an extent of 0.15.5 ares, 214/3 measuring an extent of 0.15.5 ares, 215 measuring an extent of 1.16.0 hectares and 214/6 measuring an extent of 0.19 cents, all situated in Thanakkankulam Village, Madurai South Taluk.



3.He further states that lands are Nanja lands. It is stated that Inam had been abolished under Act 30 of 1963 and in the settlement enquiry by the Settlement Tahsildar in SR.No.878 to 882 and 885/M1 Act/MDU/66, dated 04.11.1996, the lands were ordered to be classified as Tank-bed. The claim of the petitioner was therefore not considered.

4.The petitioner, thereafter, filed an appeal before the Inam Abolition Tribunal, Madurai in C.M.A.Nos.1 to 6 of 1998. The order of the Settlement Officer was cancelled and the matter was remanded back to the Assistant Settlement Officer, Madurai, for further enquiry. Thereafter, a direction had been given to grant patta in the name of the petitioner. However, the revenue records were not accordingly mutated. The petitioner had given a further petition before the Tahsildar/third respondent. An enquiry was conducted and an order was passed on 17.07.2012, that the name of the petitioner has to be recorded as the Pattadhar. It is claimed that in the said order still holds.

5.The petitioner thereafter gave a representation to the Revenue Divisional Officer, seeking change of patta in the name of the petitioner. The Revenue Divisional Officer directed the Tahsildar, Madurai South to consider the issue and to conduct enquiry. Since no steps had been taken, the present Writ Petition has been filed.

6.The petitioner in W.P(MD)No.15130 of 2013/C.Paramasivam, claims that lands in S.No.214/1, measuring an extent of 0.22.5 hectares in Thanakkankulam Village, Madurai, belongs to him, claiming right by way of a purchase on 1984 by a sale document bearing No.151/84. The petitioner herein, also had to go through the entire process, which had been narrated in W.P(MD)No.15129 of 2013.

7.The petitioner had also filed an appeal before the Tribunal and thereafter, the Tribunal cancelled the order passed by the Settlement Officer and remanded the matter to the Assistant Settlement Officer. Then, he obtained a favourable order and patta was directed to be granted in his name. An obligation had been placed on the Tahsildar/third respondent to consider the issue and grant patta in his name. Since no action had been taken, he had given a representation before the Revenue Divisional officer, who had directed the Tahsildar, Madurai South, to consider the representation and conduct a enquiry. But, since no steps had been taken, the Writ Petition came to be filed.

8.A counter had been filed on behalf of the first respondent/the District Collector, wherein, it had been stated that questioning the order of the Revenue Divisional Officer, an appeal had been preferred before the Principal Sub Court/ Inam Abolition Tribunal, Madurai, along with a condone delay application and the



said appeal is pending. It is stated that in view of the fact that the said appeal is pending, no steps have been taken by the Tahsildar.

9.It is asserted by the learned Senior Counsel who appears on behalf of the petitioner that the application seeking to condone the delay had been dismissed in the year 2015 itself.

10.These are matters under the purview of the Revenue authorities. The petitioner has the benefit of order from the Tribunal and later, affirmed by the Assistant Settlement Officer and thereafter, directions have been given on representation given by the petitioner to the Tahsildar, to examine and grant patta to the petitioner.

11.In the counter filed by the District Collector, it had been stated that questioning that particular order, the petitioner further approached the Principal Sub Court/Inam Abolition Tribunal, but, unfortunately with an application seeking to condone the delay. It is asserted by the learned Senior Counsel who appears for the petitioners that the said application has been dismissed in the year 2015.

12.A direction is therefore given to the third respondent/Tahsildar, Thiruparankunram Taluk in Madurai, to re-examine the entire issue, invite the petitioners for enquiry, examine all the relevant documents, examine the records in the Revenue Offices and thereafter, proceed in manner known to law.

13.The Tahsildar may also make some basic examination of the various appeals and judicial proceedings initiated by the petitioners since he/she is bound by the orders of the superior authority and act accordingly. He/she has to pass necessary orders within a period of twelve weeks from the date of receipt of a copy of this order.

14.By placing such direction on the Tahsildar, Thiruparankunram, Madurai, both the Writ Petitions are disposed of. No costs. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(AE)

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/ /2022

Sub Assistant Registrar(CS)



Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Revenue Divisional Officer,
Madurai - 625 020.

3.The Tahsildar,
Madurai South Taluk,
Madurai - 625 020.

4.The Tahsildar,
Tiruparankunram Taluk,
Madurai.

+2 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-3551 & 3552[F] dated 02/02/2022)

+1 CC to M/s.SPL.GP (SR-3705[F] dated 02/02/2022)

W.P (MD) .Nos.15129 and
15130 of 2013

01.02.2022

vr(CO)
TR(14.02.2022) 5P 8C