



W.P.(MD).No.2376 of 2013

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**ORDER RESERVED ON : 15.07.2022**

**ORDER PRONOUNDED ON : 25.07.2022**

**CORAM:  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.2376 of 2013**

K.Manivel

....Petitioner

Vs

1.The District Collector  
Karur District, Karur

2.The District Revenue Officer  
Karur District, Karur

3.The Revenue Divisional Officer (Sub Collector)  
Karur District, Karur

4.The Tahsildar  
Aravakurichi Taluk  
Karur District

5.Ponnuchamy (died)

6.Natarajan (died)

7.Soliappan (died)

8.P.Murugesan

9.R.Navamani

10.N.Selvaraj

11.N.Baskaran



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12.M.Balasubramani

13.S.Ganesan

(Respondents 8 to 13 are impleaded vide Court order dated 27.01.2020)

**Prayer:** This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order of the second respondent, the District Revenue Officer, Karur District his Na.Ka.No.C3/16829/2011 dated 25.10.2012 quash the same as illegal and contrary to law and consequence there of direct the respondents to issue patta in the name of the petitioner for the lands in S.Nos.50,54,59,205, 206, 209 and 591 in Pavithram Village and S.Nos.201 and 93 in Karudayampalayam of Aravakurichy Taluk, Karur District.

|                |                                                    |
|----------------|----------------------------------------------------|
| For Petitioner | : Mr.R.Devaraj                                     |
| For R1 to R4   | :Mr.S.Shanmugavel<br>Additional Government Pleader |
| R5 to R7       | : Died                                             |
| For R8 to R12  | : No appearance                                    |
| For R13        | : Mr.R.Murali<br>For Mr.J.Sathiaraj                |

### **ORDER**

The present writ petition has been filed challenging an order passed by the second respondent herein under which the request of the petitioner for granting Patta for certain survey numbers has been rejected.



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2. According to the petitioner, he is the hereditary Poosari of Maruthai Kalliamman Temple in Pavathiram Village, Aravakurichi Taluk, Karur District. The lands in dispute are covered under the Tamil Nadu Minor Inam Abolition and Conversion into Ryotwari Act, 1963 (Act 30 of 1963). When the Act came into force, according to the petitioner, Patta was issued in the name of his great grandfather Maruthai Andi Pandaram. After the death of said Maruthai Andi Pandaram, the land was in enjoyment of his son Karumandi Pandaram and then Kuppandy Pandaram who is the father of the writ petitioner herein.

3. According to the writ petitioner, one Maruthandee Pandaram had objected to the issue of ryotwari Patta in the name of his father late Kuppandy Pandaram. The matter was taken to the level of Settlement Tahsildar, Trichy in Karur Taluk Case No.556/1967. The said Settlement Officer by his order dated 15.11.1973, held that the petitioner's father Kuppandy Pandaram was entitled to ryotwari Patta for various survey numbers under Section 8(2)(1)(i) of the Tamil Nadu Minor Inam Abolition and Conversion into Ryotwari Act 1963. After death of the petitioner's father, the petitioner had approached the fourth respondent herein for grant of revenue Patta. Since there was no response, the petitioner had presented an application to the first respondent herein.



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4.The learned counsel for the petitioner had contended that the third respondent herein passed an order on 02.05.2011 without properly appreciating the order passed by the Settlement Officer on 15.11.1973. Hence, the petitioner preferred a revision petition before the second respondent herein. The second respondent based on extraneous facts, had dismissed the application without considering the mandatory provisions of Act 30 of 1963. The said order was passed on 25.10.2012 which is under challenge in the present writ petition.

5.The learned counsel for the petitioner had further contended that the Settlement Officer under Act 30 of 1963 has passed an order on 15.11.1973 in Karur Taluk Case No.556/1967 granting ryotwari Patta in favour of the writ petitioner's father. Thereafter, the revenue authorities cannot have any objection whatsoever for granting revenue Patta in favour of the petitioner. He had further contended that the impugned order has been passed by the first respondent herein on the ground that he is not in a position to find out whether the petitioner is having any right over the Survey Nos. 50,54,59,205, 206, 209 and 591. In the impugned order, the first respondent has also found that with regard to Survey Nos. 201 and 93, he is at liberty to approach the first respondent again with all the documents. Hence, the learned counsel for



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the petitioner had contended that there is no ambiguity in the order passed by the Settlement Tahsildar on 15.11.1973 and hence, the first respondent was not right in rejecting the request for Patta on the ground of ambiguity. Hence, he prayed for allowing the writ petition.

6.Per contra, the learned counsel for the private respondents had contended that on the same date namely 15.11.1973 in Karur Taluk Case No. 555/1967, the same Settlement Officer had granted Patta in Survey No.59 for an extent of 2.46 acres in favour of the respondents' ancestor. Hence, the Settlement Patta, said to have been granted in favour of the writ petitioner in Karur Taluk Case No.556/1967 is doubtful. However, the private respondents make a claim only with regard to Survey No.59 and not with regard to any other survey numbers for which the petitioner claims Patta. In fact Section 10(1) Patta produced by the contesting respondents would also indicate that the Patta has been granted in favour of them in Patta No.2914 only for Survey No.59. Hence, he prayed that the writ petition may be dismissed.

7.I have considered the submissions made on either side and perused the materials available on record.

8.The impugned order has been passed by the first respondent herein only on the ground that he is not able to assess whether the writ petitioner has



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got any right over Survey Nos.50,54,59, 205, 206, 209 and 591. The petitioner has submitted that he is ready to produce all the documents in order to clarify the doubts raised by the first respondent herein in the impugned order. He had further contended that except with regard to Survey No.59, the contesting respondents are not making any claim over other survey numbers. Hence, he requested that he may be permitted to place all the documents before the first respondent herein with regard to all the survey numbers for which the patta was rejected by the first respondent herein. He had further made an application even for Survey Nos.201 and 93 and may be permitted to place the documents.

9.In view of the above said factual position, I am of the view that the impugned order may be set aside and remitted back to the file of the first respondent herein. The petitioner and the contesting respondents shall place all the records before the first respondent herein. After affording due opportunities to the petitioner and the private respondents, the first respondent shall pass orders on merits and in accordance with law. The said exercise shall be completed by the first respondent within a period of 12 weeks from the date on which the petitioner places all the documents before the authorities.



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10. With the above directions, this writ petition stands allowed. No costs,

**25.07.2022**

Internet : Yes/No  
Index : Yes/No  
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**To**

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Karur District, Karur

2. The District Revenue Officer  
Karur District, Karur

3. The Revenue Divisional Officer (Sub Collector)  
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**R.VIJAYAKUMAR, J.**

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Pre-delivery order made in

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