



W.P(MD)No.3649 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.3649 of 2013

G.S.Ponniah

P.Parameswari

... Petitioner

*(Petitioner is substituted vide Court order, dated 14.09.2022 in
W.M.P(MD)No.15356 of 2022)*

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.Chitra

3.Muthukkali

4.Vellaiyappan

5.Manimegalai

6.Manickam

7.Sarvanan

8.Krishna Bai @ Jeeva

9.Palanichamy



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10.M.A.C.S.R.Surendran

11.Dhanalakshmi

12.Subramanian

13.Muthammal

14.Rukmani Ammal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of the 1st respondent in his proceeding No.Na.Ka.No.C5-30362-2010 dated 11.01.2013 and quash the same and consequently direct the 1st respondent to rectify the mistake of classification of land as assessed waste into ryot punja and issue patta in respect of S.Nos.171/1, 173/1, 173/3, 174, 175, 169, 171/7, 168, 171/8 171/2, 173/2.

For Petitioner : Mr.J.Bharathan

For R1 : Mr.A.Sivanupandian
Government Advocate

For R2 & R3 : Mr.T.Lajapathi Roy

For R7 : Mr.D.Selvanayagam

For R9 : M/s.J.Maria Roselin

For R10 : Mr.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates



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For R13 : Mr.K.R.Laxman

For R4-R6,R8,
R11,R12 & R14 : No Appearance

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein, under which the request of the petitioner for grant of patta has been rejected.

2. According to the learned counsel for the petitioner, his father Sankaralingam @ Gurupatham has purchased a portion of the property on 19.09.1966 and the balance portion of the property was purchased in the name of his mother, Vethamani Ammal on the same date. Though they have purchased the property in the year 1966, they have not approached the settlement authorities or revenue authorities for grant of patta. They have approached the authorities only in the year 2007 for grant of patta.

3. Under the impugned order, the first respondent has rejected the request on the ground that during settlement proceedings, the property



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has been classified as a Government poramboke and it has been assigned in favour of various third parties. The present private respondents are either the original assignees or the purchasers from the said assignees. As on today, the patta also stands in the name of the private respondents.

4. The Government has produced records to the effect that the village in question has been taken over by the Government of Tamil Nadu under Act 26 of 1948. Hence, it is for the petitioner to establish whether he has got any pre-existing title prior to Act 26 of 1948 or on the date, when the Act came into force. The said issue cannot be decided either by the revenue authorities or by this Court by exercising its power under Article 226 of the Constitution of India.

5. In view of the above said facts, the Writ Petition is disposed of. The parties are at liberty to raise all the issues before the competent Civil Court, if they are so advised. No costs.

13.10.2022

Index : Yes / No
Internet : Yes / No



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To

The District Revenue Officer,
Sivagangai District,
Sivagangai.



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R.VIJAYAKUMAR ,J.

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Order made in
W.P(MD)No.3649 of 2013

Dated:
13.10.2022