



W.P(MD)Nos.5258 & 5259 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.5258 & 5259 of 2013

and

M.P(MD)Nos.1 to 3 & 1 to 3 of 2013

W.P(MD)No.5258 of 2013

Chinnappa

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

... 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 pertaining to the proceedings in Na.Ka.No. 28602/2011 (E2), dated 05.12.2012, on the file of the second respondent herein and quash the same and consequently directing the respondents to grant the patta in favour of the petitioner in respect of the lands in S.F.No.67/3 (sub division Nos.67/16) Moottampatti Village, Kulathur Taluk, Pudukkottai District.



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W.P(MD)No.5259 of 2013

Chitra

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.

... Respondents

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(In Both W.P.s)

For Petitioner : M/s.K.Baalasundharam

For Respondents : M/s.A.Baskaran

Additional Government Pleader



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COMMON ORDER

The present Writ Petitions have been filed challenging an order passed by the second respondent herein, under which, he has rejected the request of the petitioners for grant of assignment patta in favour of the writ petitioners.

2. A perusal of the impugned order indicates that the petitioner has sought for assignment with regard to Survey No.67/16 having an extent of 0.05.0 hectares. The second respondent herein has rejected the said request on the ground that, it has been classified as a 'Government Poromboke-Arani Kulam'. In view of the fact that it is a water body, the question of granting assignment would not arise. The said order is under challenge in the present writ petition.

3. According to the writ petitioner, the Head Quarters, Deputy Tahsildar had submitted a report to the District Collector on 10.06.2007. As per the said report, originally entire survey number, namely, 67/3 was classified as 'Arani Kulam'. However, sub divisions have been effected to



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the Survey No.67/3. After sub divisions, S.No.67/3 having an extent of 1.74.5 hectares, was classified as 'Arani Kulam'. Another extent of 0.05.0 hectares was declared as 'Ryot manai' in S.No.67/16. A similar extent was declared as 'Ryot manai' for S.No.67/17. Hence, he had recommended for granting of assignment patta in favour of the writ petitioner and his daughter Chithra.

4. The learned Counsel for the petitioners also brought to the notice of the Court that the Arani Kulam is restricted to S.No.67/3. In between Arani Kulam and S.Nos.67/16 and 67/17, a tar road has been laid by the Government. Hence, treating the S.Nos.67/16 and 67/17 as also part of Arani Kulam is erroneous and the same is against the physical features existing as on today.

5. Per contra, the learned Additional Government Pleader for the official respondents have received a written instructions to the effect that as per G.O.Ms.No.540, Revenue [LD6(2)] Department, dated 04.12.2014, patta cannot be granted for water bodies and hence, the request of the petitioner cannot be entertained.



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

7. The report of the Tahsildar, dated 10.06.2007, clearly indicates that the revenue classification for S.No.67/3 is restricted to 1.74.5 hectares. Only this extent has been classified as a water body, namely, 'Arani Kulam'. The balance extent has been declared and classified as a 'Ryot manai', which are in occupation of the writ petitioners in both the writ petitions. The rough sketch filed by the writ petitioner and the sketch filed by the Tahsildar on the side of the Government would clearly indicate that there is a road on the Eastern side of Arani kulam. To the further East of the said road, S.Nos.67/16 and 67/17 are located. Hence, it is clear that a road, namely, Sengipatti Road is bifurcating Arani Kulam and S.Nos.67/16 and 67/17. Hence, the contention on the side of the respondents that S.Nos.67/16 and 67/17 are forming part of water catchment area is not factually correct.

8. In view of the above said facts, the order impugned in the writ petitions are set aside. The matter is remitted back to the file of the first respondent herein for fresh consideration, in the light of the fact that a



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road separates the 'Arani Kulam' and the lands for which patta has been sought for by the writ petitioners. The first respondent is directed to consider the matter afresh and pass orders on merits and in accordance with law, after giving due opportunity to the writ petitioners.

9. With the above said observation, both the writ petitions stand allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

22.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.



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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)Nos.5258 & 5259 of 2013

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