



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.8043 of 2022

A.Muthu

.. Petitioner

Vs

1. The District Collector,
Thoothukudi 628 101,
Thoothukudi District.
2. The Revenue Divisional Officer,
Revenue Division Office,
Kovilpatti 628 501,
Thoothukudi District.
3. The Tahsildar,
Kayathar Taluk 628 952,
Thoothukudi District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to issue patta in petitioner favour and to remove wrongfully registered in Revenue Record that Pethammal Orani to petitioner property survey No.52/4 total extent 1.37 acre and situated at Kattalankulam Village, Kayathar Taluk, Thoothukudi District by considering the petitioner's representation, dated 09.04.2022 and pass order on merits and in accordance with law within the period that may be stipulated by this court.

For Petitioner	: Mr.K.Chinraj
For Respondent	: Mr.T.Amjad Khan
	Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to issue patta in favour of the petitioner and to remove the alleged wrong classification as 'Pethammal Oorani' in respect of the property comprised in S.No.52/4 measuring total extent of 1.37 acres situated at Kottalankulam Village, Kayathar Taluk, Thoothukudi District, based on the petitioner's representation, dated 09.04.2022, within a time frame to be fixed by this Court.



2.The petitioner claims ownership by virtue of a declaratory decree passed in his favour by the District Munsif Court at Kovilpatti in its judgment and decree, dated 10.08.2007. According to the petitioner, the said judgment and decree has attained finality as no appeal has been filed by the official respondents. According to the petitioner, the property has been wrongly classified as 'Pethammal Oorani', in the revenue records, though the petitioner is the absolute owner. In such circumstances, he has given a representation on 09.04.2022, to the respondents requesting them for reclassification of the revenue records disclosing that the petitioner is the owner.

3.Heard Mr.K.Chinraj, learned counsel appearing for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who accepts notice on behalf of the respondents.

4.At the outset, the learned Government Advocate appearing for the respondents would submit that since the petitioner is seeking for reclassification of revenue records, the competent authority, who has to decide the same, is the Commissioner of Land Administration, Chepauk, Chennai. According to him, since the Commissioner of Land Administration, has not been added as a party respondent, the petitioner will have to give a fresh representation to the Commissioner of Land Administration and only on receipt of the said representation, the petitioner's request for reclassification can be considered on merits and in accordance with law.

5.The learned counsel for the petitioner on instructions, would submit that the petitioner is willing to submit a fresh representation to the Commissioner of the Land Administration, Chepauk, Chennai, seeking for reclassification of his land.

6.No prejudice will be caused to the respondents or any other party, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing.

7.For the foregoing reasons, this Court directs the petitioner to submit a fresh representation to the Commissioner of Land Administration, Chepauk, Chennai, within a period of one week from the date of receipt of a copy of this order, requesting issuance of patta in favour of the petitioner and for removal of the classification as 'Pethammal Oorani', in respect of the property comprised in S.No.52/4 measuring total extent of 1.37 acres situated at Kottalankulam Village, Kayathar Taluk, Thoothukudi District and on receipt of such representation, the Commissioner of Land Administration, Chepauk, Chennai, shall pass final orders on merits and in accordance with law, after affording a fair



hearing to the petitioner, including granting him the right of personal hearing, within a period of three months, thereafter.

8. With the aforesaid directions, this writ petition is disposed of. No costs.

WEB COPY

Sd/-

Assistant Registrar (WRITS)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

TM

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,
Thoothukudi 628 101,
Thoothukudi District.
2. The Revenue Divisional Officer,
Revenue Division Office,
Kovilpatti 628 501,
Thoothukudi District.
3. The Tahsildar,
Kayathar Taluk 628 952,
Thoothukudi District.

+1 CC to M/s.SPL.GP. (SR-21880[F] dated 27/04/2022)

+1 CC to M/s.K. CHINRAJ, Advocate (SR-21109[F] dated 26/04/2022)

W.P. (MD) No. 8043 of 2022

26.04.2022

USK/19.05.2022/3P/6C