



W.P.(MD).Nos.1819 of 2014 and 11205 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 19.10.2022

ORDER PRONOUNCED ON : 27.10.2022

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

**W.P.(MD).Nos.1819 of 2014 and 11205 of 2013
and MP(MD).Nos.1 to 3 of 2013**

TamilselviPetitioner in both the petitions

Vs

1.The District Collector
Sivagangai ... 1st Respondent in both the petitions

2.Tashildar
Thirubhuvanam
Sivagangai District ...2nd Respondent in WP.No.1819 of 2014

3.Panchayat Union
Thirubhuvanam
Represented by its Block Development Officer

4.Chellapanenthal Village Panchayat
Thirubhuvanam Taluk
Sivagangai District
Represented by its President .. Respondents 2 & 3 in WP.No.11205 of 2013

Prayer in WP(MD).No.1819 of 2014: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent's proceeding in O.Mu.A4/257/2012 dated 05.07.2013 and the relevant settlement register of



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Ladanenthall Majara, quash the same and direct the respondents to issue Natham Patta in Survey No.230/1, Ladanenthall Majara, Chellappanendhal Village, Thirupuvanam Taluk, Sivagangai District.

Prayer in WP(MD).No.11205 of 2013: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to allot funds for one concrete house/Green house for petitioner in the financial year 2013-2014 and build a such house in a Natham Survey N.230/1 of Chellapanenthall Village, Thirubhuvanam Taluk, Sivagangai District for the petitioner.

(In both petitions)

For Petitioner : Mr.K.C.Ramalingam

For Respondents : Mr.B.Saravanan
Additional Government Pleader

COMMON ORDER

WP.No.1819 of 2014 has been filed challenging an order passed by the second respondent under which the request for grant of patta was rejected.

2.According to the learned counsel for the petitioner, the petitioner is a lady living below the poverty line and she is residing in Natham Survey No. 230/1 for an extent of 7.5 cents. According to the petitioner, she is residing in a hut in the said property for more than 100 years. The Government of Tamil



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have taken a photograph of her house and issued an eligibility Card for the purpose of building a free house. The learned counsel for the petitioner had contended that during the settlement proceedings, Survey No.230/1, Ladanenthal Majara was classified as Natham Poromboke Oor Kudieruppu. Even during the UDR proceedings, the said survey number was classified only as Natham Poromboke. When the petitioner applied for patta, in the impugned order, the second respondent has informed that it has been classified as Mattavasamy Temple in Revenue records and hence, she is not entitled to patta. The said order is under challenge in the present writ petition.

3.Once a land is classified as Natham poromboke, it always retains the character of a Natham poromboke and it cannot be altered. The learned counsel for the petitioner had further contended that no notice was issued to the writ petitioner before making any alteration in the revenue records. Since the petitioner is in possession of the said survey number for more than 100 years, she is eligible for grant of patta. He had further contended that no temple is located in Survey No.230/1 or around the said survey number. In case, if the temple is located, the said temple should have been allotted in separate subdivision and the balance should have been allotted in favour of the writ petitioner. Hence, he prayed for allowing the writ petition.



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4.Per contra, the second respondent had filed a counter affidavit and contended the hut in question is located within the survey number which has been classified as Pattavansamy Temple where a classification shows a particular land belonging to a temple. The said land cannot be assigned in favour of any private parties.

5.The learned Additional Government Pleader appearing for the second respondent has also placed a report of the Village Administrative Officer before this Court. A copy of the said report was furnished to the writ petitioner and time was also granted to get instruction from his client about the said report. As per the said report, the petitioner is having two more houses in Survey No.409/2 in the same Village. Hence, the respondent has contended that the petitioner is not eligible for any assignment order, in view of the above said reason. Hence, he prayed for sustaining the order impugned in the writ petition.

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

7.The petitioner has claimed patta on the basis of her long possession in Survey No.230/1 for an extent of 7.5 cents. The said request of the writ petitioner is being challenged by the revenue authorities on the ground that the said Survey number has been classified as Mattavasamy Temple. That apart, the petitioner owns two houses in Survey No.409/2 in the same village.



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On instruction, the learned counsel for the petitioner confirms the fact that the petitioner has become the owner of two houses in Survey No.409/2 in the year 2017 pending writ petition.

8.As long as the classification of Survey No.230/1 continues as Pattavansamy temple, this Court cannot direct the authorities to consider the request of the petitioner for grant of patta. That apart, the learned additional Government Pleader has also produced a photograph to show that a small idol is being located under a tree which is close to the hut of the writ petitioner. Hence, it is clear that the classification made by the revenue authorities as Pattavansamy temple cannot be found fault with.

9.In view of the above said facts, there are no merits in the writ petition. The writ petition stands dismissed.

10.WP.No.11205 of 2013 has been filed seeking a mandamus directing the respondents to allot funds for construction of concrete house/Green house for the financial year 2013-2014 for constructing a house in Natham Survey No.230/1 of Chellapanenthal Village, Thirubhuvanam Taluk, Sivagangai District.

11.This Court has already arrived at a finding in WP(MD).No.1819 of 2014 that the petitioner is not entitled to get patta for Survey No.230/1, in view of the reason that it has been classified as Pattavansamy temple. That apart, the petitioner is already owning two other houses in Survey No.409/2



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in the same village. Hence, the request of the petitioner for directing the authorities to allot funds for the construction of concrete house in the said survey number in which a temple is located cannot be considered.

12. In view of the above said facts, the Writ petition stands dismissed.

13. Accordingly, both the writ petitions are dismissed. No costs.

Consequently, connected miscellaneous petitions are closed.

27.10.2022

Internet : Yes/No

Index : Yes/No

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To

1. The District Collector
Sivagangai

2. Tashildar
Thirubhuvanam
Sivagangai District

3. The Block Development Officer
Panchayat Union
Thirubhuvanam

4. The President
Chellapanenthal Village Panchayat
Thirubhuvanam Taluk
Sivagangai District



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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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