



W.P.(MD).No.13460 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.13460 of 2015

and

M.P(MD) No.1 of 2015

G.Muthuramalingam

... Petitioner

-VS-

1. The Additional Chief Secretary/
Commissioner of Land Administration,
Chepauk,
Chennai – 05.

2. The District Revenue Officer,
Tirunelveli.

3. The Thasildhar,
Sivagiri Taluk,
Tirunelveli District.

4. S.Pitchaimani Thevar

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order of deleting the name of the petitioner from Natham Adangal in D.Dis No.K4/RP 48/2005 (35387/2005)



W.P(MD).No.13460 of 2015

dated 10.04.2015 on the file of the first respondent and quash the same as illegal and consequently to direct the third respondent to issue patta for the lands in Survey No.1283/7 for an extent of 23.47 cents in Arugankulam, Thenmalai Part I Village, Sivagiri Taluk, Tirunelveli District.

For Petitioner : Mr.T.Lajapathi Roy
For R-1 to R3 : Mr.M.Lingadurai
Special Government Pleader
For R-4 : Mr.L.George Paul Anto

ORDER

The present Writ Petition has been filed challenging the order passed by the first respondent herein, under which, he has confirmed the order passed by the Revenue Authorities rejecting the request of the petitioner for grant of patta under the Natham Settlement Scheme.

2. According to the writ petitioner, the old Survey No.897/2, new Survey Nos.1282, 1283 and 1279 of Sivagiri Taluk, having an extent of 2.02 Acres is a Government Porompoke Natham. During the Natham Settlement Scheme in the year 1994, his name was entered into in Natham Adangal Register. The Village Administrative Officer and the Firka



W.P(MD).No.13460 of 2015

Surveyor inspected the land and after confirming the possession of the petitioner, his name was entered into in Natham Adangal Register.

3. According to the petitioner, along with the petitioner, 20 other names were also registered in the Natham “A” Register. A complaint was lodged by the fourth respondent herein, to the Revenue Divisional Officer to delete the name of the petitioner from the Natham Fair Register. The Revenue Divisional Officer passed an order deleting the name of the writ petitioner from Natham Fair Register on 14.06.2004. This order was challenged by the writ petitioner before the District Revenue Officer who confirmed the order on 16.08.2005. Thereafter, the petitioner had challenged the said order before the first respondent herein. The first respondent confirmed the said order, on 10.04.2015, which is under challenge in the present Writ Petition.

4. According to the learned Counsel for the writ petitioner, the Revenue Authorities have not properly verified the fact that 20 other persons have also been given Patta for Natham vacant site and without any proper enquiry, the Natham patta granted in favour of the writ petitioner has



W.P(MD).No.13460 of 2015

been cancelled and confirmed by the higher authorities. He further contended that being a first occupier of the said survey number for an extent of 2.02 Acres, his patta have been confirmed by the authorities and it should not have been cancelled. Hence, he prayed for allowing the Writ Petition.

5. Per Contra, the learned Government Advocate appearing for the official respondents, by filing a counter, had contended that the petitioner was never in possession of the above said Survey Number having an extent of 2.02 Acres and erroneously his name was recorded in the Natham Fair Register. Hence, the Revenue Authorities have chosen to cancel the said entry. He further contended that the Survey Number in dispute, namely, 897/2 is located just adjacent to the Panchayat Union Primary School and hence the land was required for the purpose of utilizing the same as a play ground. All the Revenue Authorities and the first respondent herein have concurrently found that the said land is required for the school to be used as a play ground. Hence, he prayed for sustaining the order passed by the Revenue Authorities.



W.P(MD).No.13460 of 2015

WEB COPY

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

7. As far as Natham land is concerned, the petitioner has to first establish that he is in a possession of the property to get patta under the Natham Settlement Scheme. A perusal of the typed set of papers would clearly indicate that except the entry in the Natham Adangal Register, no previous document has been placed by the writ petitioner to establish his possession. The Revenue Divisional Officer by his impugned order has categorically found that the petitioner has not established his possession and erroneously his name has been entered into in the Natham Settlement Register. The other Revenue Authorities has also arrived at a finding that the Survey Number in dispute is located adjacent to Panchayat Union Primary School and hence, the same is required for utilizing the same as a play ground.

8. When the petitioner has not established his possession over the Natham Land, the question of granting patta under the said Scheme would not arise and the patta erroneously granted is liable to be set aside. Once the Natham patta in favour of the writ petitioner is set aside, it is for the



W.P(MD).No.13460 of 2015

authorities to find out a way for the utilisation of the said land for public purposes. No other person has made any claim over the above said disputed survey number under the Natham Settlement Scheme. In such an event, the complaint made by the fourth respondent herein has got substance and the Revenue Authorities, after conducting proper inspection, have arrived at a finding that it is adjacent to a Primary School and required to be used for playground. The very fact that the petitioner is making a claim for over 25 cents would clearly disclose that the petitioner is not in a possession of the property and he is trying to get a title over the said lands. If really he has put up any construction and he is in possession of the above said property, certainly property tax receipts would have been filed.

9. This Court, can understand, if the petitioner makes a claim for two or three cents of lands on the ground that he is residing there. The very fact that the petitioner makes claim for over 25 cents discloses that he is not in possession of the same and erroneously his name has been entered in the Natham Adangal Register.



W.P(MD).No.13460 of 2015

WEB COPY

10. In view of the above said discussions, I find that there is no illegality and infirmity in the order passed by the Revenue Authorities and the order impugned in the Writ Petition is sustained. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

11.11.2022

Index : Yes / No
Internet : Yes / No
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7/9



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W.P(MD).No.13460 of 2015

R.VIJAYAKUMAR,J.

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W.P.(MD)No.13460 of 2015

11.11.2022



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W.P(MD).No.13460 of 2015