



W.P.(MD).No.5791 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 01.08.2022

ORDER PRONOUNCED ON : 05.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.5791 of 2016

and

MP(MD).No. 5202 of 2016

V.Ganesan

....Petitioner

Vs

1.The Additional Chief Secretary and
Commissioner of Land Administration
Chepauk, Chennai 600 005

2.The District Revenue Officer
Ramanathapuram District
Ramanathapuram

3.The Tahsildar
Rameshwaram Taluk
Ramanathapuram District

4.The District Educational Officer
Ramanathapuram District
Ramanathapuram

5.R.S.Padma

....Respondents



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Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings in D.Dis.K1/23129/2008 dated 30.11.2015 on the file of the first respondent and quash the same as illegal and arbitrary and consequently direct the 3rd respondent to issue a patta in the name of the petitioner with regard to the Survey Nos.588/4 and 588/6 admeasuring 45 Cents and 18 Cents respectively which is situated at Thangachimadam Village, Pamban Group, Rameshwaram Taluk, Ramanathapuram District, within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.D.Ganeshamoorthi

For Respondents : Mr.D.Sasikumar
Additional Government Pleader

ORDER

The 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 was rejected.

2.The petitioner has prayed a mandamus for grant of Patta. According to the Petitioner, Survey No.588/4 measuring 45 cents and Survey No.588/6 measuring 18 cents originally belonged to one Senior Ranee Tmt.Samanthakani Natchiar. She had executed a registered sale deed in



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favour of the writ petitioner on 23.11.1992. From the said date onwards, the petitioner claims to be in possession of the property. However, during UDR proceedings, Survey No.588/3 was mentioned as Oorani and Survey No. 588/6 was mentioned in the name of the District Educational Officer, Ramanathapuram.

3. According to the petitioner, the petitioner and his vendor had filed O.S.No.132 of 1993 on the file of the Sub Court, Ramanathapuram as against the District Educational Officer, Ramanathapuram and the District Collector, Ramanathapuram for the relief of declaration of title and permanent injunction. The said suit was decreed on 25.03.1996. The Interlocutory Application in I.A.No.465 of 1997 filed by the defendants to set aside the exparte decree was also dismissed on 05.11.2003. According to the petitioner, he is the absolute owner of the above said survey numbers and he requested the revenue authorities to grant patta to the above said survey numbers after carrying out reclassification.

4. Since the request of the petitioner was not considered, the petitioner had filed W.P(MD).No.17190 of 2014 seeking a direction as against the first respondent to dispose of the representation pending before him. The said writ petition was allowed directing the first respondent to pass orders. Thereafter, the present impugned order has been passed on 30.11.2015 refusing to grant of Patta in favour of the writ petitioner. Hence, the present writ petition.



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5.The respondents have filed a counter contending that as far as Survey No.588/4 is concerned, is a Government poromboke Oorani. As far as Survey No. 588/6 is concerned, though it was a Patta land, the vendor of the petitioner had already gifted the same in favour of the Educational Department under a gift deed in Doc.No.56/1965 dated 17.03.1965. Thereafter, the said Senior Ranee Tmt.Samanthakani Natchiar has chosen to alienate the same in favour of the writ petitioner on 25.11.1992. Hence, he prayed for dismissal of writ petition.

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

7.The writ petitioner claims Patta for Survey Nos.588/4 and 588/6 for an extent of 45 cents and 18 cents respectively on the basis of a sale deed dated 25.11.1992 said to have been executed by one Senior Ranee Tmt.Samanthakani Natchiar.

8.As far as Survey No.588/4 is concerned, it formed part of erstwhile Senior Ranee Tmt.Samanthakani Natchiar's Zamin estate which was taken over by the Government of Tamil Nadu under Act 26 of 1948 on 07.09.1949.



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The vendor of the writ petitioner had made an application for grant of Patta under Section 11 of the above said Act. The board of revenue had rejected the same on 12.02.1957 on the ground that it is classified as an Oorani poromboke. A second attempt was made by the vendor of the petitioner by filing an application seeking Patta out side the scope of the Act before the Sub Collector, Ramanathapuram. The same was also rejected on 24.02.1975 on the ground that it is an Oorani. An appeal was preferred by the vendor of the writ petitioner before the board of revenue and the same was dismissed on 27.12.1976.

9.A perusal of the order passed by the third respondent herein on 22.02.2006 indicates that during the settlement proceedings, Survey No.588/4 was classified as Oorani. However, there are no records with regard to the classification of Survey No.588/4 in SLR Register. During the UDR proceedings, Survey No.588/4 has been classified as Oorani. Hence, it is clear that at no point of time Survey No.588/4 was standing in the name of the any individual. Hence, the claim of the petitioner for grant of Patta for Survey No.588/4 has been rightly rejected by the first respondent herein.

10.As far as the claim of the petitioner with regard to Survey No.588/6 is concerned, the said 16 cents has been gifted by the vendor of the petitioner



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in Doc.No.56 of 1965 on 17.03.1965 to the School authorities for construction of a School. Thereafter, the vendor of the petitioner has chosen to alienate the same property in favour of the petitioner under a registered sale deed dated 23.11.1992. When the sale deed was executed in favour of the petitioner, the vendor had no title whatsoever. The revenue authorities have rightly classified the same in the name of the fourth respondent herein.

11.The petitioner and his vendor have chosen to file O.S.No.132 of 1993 suppressing all the above said facts and they have managed to obtain an exparte decree. Hence, the decree has been obtained by playing fraud upon the Court by suppressing the material facts. Therefore, that will not confer any title upon the writ petitioner or his vendor.

12.In view of the above said discussion, there is no infirmity or illegality in the impugned order passed by the first respondent herein. The writ petition is devoid of any merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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