



WEB COPY

W.P.No.8190 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8190 of 2023

and

W.M.P.No.8419 of 2023

1.R.Elumalai

2.Rathinakumari

... Petitioners

Vs.

1.The Commissioner of Revenue Administration,
Ezhilagam,
Chepauk,
Chennai – 600 005.

2.The District Collector,
Villupuram District,
Villupuram.

3.The District Revenue Officer,
Villupuram District,
Villupuram.

4.The Sub collector / The Revenue Divisional Officer,
Tindivanam, Villupuram District.

5.The Tahsildar,
Melmalayanur Taluk, Melmalayanur,
Villupuram District.



6.The Village Administrative Officer,
Avalurpettai Village,
Melmalayanur Taluk,
Villupuram District.

7.The Block Development Officer,
Panchayat Union Office,
Malmalaiyanur Taluk,
Villupuram District.

8.The Village President,
Avalurpettai Village,
Malmalaiyanur Taluk,
Villupuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Se.Mu.aanai.No.Aa7/14977/2017 dated 07.09.2017 passed by the 3rd respondent quash the same as illegal, arbitrary, void abinitio as against the petitioners properties in Old Survey Number 150/1A new survey Number 150/9, 150/21, 150/22, 150/23, 150/24 to an extent of 20 cents situated at Avalurpettai Village, Melmalayanur Taluk, Villupuram District consequently direct the 5th respondent issue computerised patta in the name of petitioners.

For Petitioners : Mr.K.Krishnan

For Respondents : Mr.R.Raman Lal
Additional Advocate General
Assisted by Mr.P.Sanjay Gandhi
Government Advocate



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ORDER

The order passed by the District Revenue Officer, Villupuram in proceeding dated 07.09.2017 is under challenge in the present writ petition.

2. The petitioner states that he is the bonafide purchaser of the subject property and he has submitted an application for grant of patta. The District Revenue Officer conducted an adjudication by affording opportunity to the writ petitioner and held that the petitioner is not entitled for patta and the patta already granted was cancelled.

3. The learned Additional Advocate General appearing on behalf of the State mainly contended that the subject property is classified as Grama Natham. Therefore, sale itself has become invalid and such Gramma Natham lands cannot be alienated without proper assignment from the Government. In view of the fact that the land is classified as Grama Natham the purchase made by the petitioner is null and void. Therefore, the Revenue Authorities are not empowered to grant patta in the name of the writ petitioner.

4. The learned counsel for the petitioner reiterated by stating that the patta was originally granted, which was subsequently cancelled. If at all the



petitioner is in possession of the valid document to establish the title he has to approach the competent civil court of law in the manner contemplated.

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5. That apart, the impugned order was passed by the District Revenue Officer, Villupuram in proceeding dated 07.09.2017 and the present writ petition filed after a lapse of about five and half years from the date of passing of the order and thus, the writ petition is liable to be rejected on the ground of laches also. However, it is for the petitioner to redress his remedy before the Competent Civil Court of Law in the manner known to law, if he is otherwise entitled for the relief.

6. With these liberty, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

24.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order



To

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S.M.SUBRAMANIAM, J.

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