



W.P.No.13002 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13002 of 2023
and
W.M.P.No.12796 of 2023

C.G.Muniswamy

...Petitioner

Vs.

1.The State of Tamilnadu,
Rep.by its Secretary to Government,
Revenue Department, Secretariat,
Chennai – 9.

2.The District Collector,
Krishnagiri.

3.The District Revenue Officer,
Krishnagiri.

4.The Revenue Divisional Officer,
Krishnagiri.

5.The Tahsildar,
O/o.The Tahsildar,
Krishnagiri, Krishnagiri District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus, to call for the records pertaining



W.P.No.13002 of 2023

to the impugned order passed by the 5th respondent in Ref.No.O.Mu.5617/2022 / Aa1 dated 30.11.2022 and quash the same and consequently direct the respondents to issue patta to the petitioner's property in S.No.89/1 situated at Krishnagiri Taluk and District admeasuring to an extent of 3 Acres on the basis of the petitioner's recent representation dated 25.07.2022 within a time frame as may be fixed by this Honorable Court.

For Petitioner : Mr.S. Viswanathan
For M/s.Dass and Viswa Associates

For R1 to R5 : Mr.S.Ravichandran
Additional Government Pleader

ORDER

The order, rejecting grant of patta in proceedings dated 30.11.2022 is sought to be assailed in the present writ petition.

2. The petitioner states that he is an Ex-Service Man served in Indian Army between 1965 to 1975. The petitioner states that he was awarded with many army medals during the war between India and Pakistan. The petitioner participated in the said War and on 14.12.1971, he suffered severe injuries/wounds, but survived.

3. The learned counsel for the petitioner states that the then



W.P.No.13002 of 2023

Government of Madras issued G.O.Press No.1750 dated 13.05.1963, assigning lands for agricultural purpose in favour of the Jawans in the active service and Ex-Service Man. Based on the said Government order, lands were assigned to the petitioner and the petitioner is cultivating the said lands. The petitioner submitted an application for patta and the said application was rejected by the Tahsildar, Krishnagiri, on the ground that the particular lands were classified as 'Meikal Poraomboke' and therefore, the said lands cannot be assigned.

4. The learned counsel for the petitioner made a submission that the petitioner filed a Civil Suit in O.S.No.21 of 2012 on the file of District Munsif Court, Krishnagiri, which was also decreed in his favour on 24.08.2012.

5. Despite the fact that the suit decreed in favour of the petitioner, the authorities have not granted patta and therefore, the petitioner has chosen to file the present writ petition.

6. Earlier the petitioner filed W.P.No.26828 of 2022 and an order was



W.P.No.13002 of 2023

passed by this Court on 10.10.2022. Pursuant to the said order, the impugned order has been passed.

7. Certain welfare schemes implemented by assigning the lands to the Ex-Service Man in the year 1963 cannot be a ground to grant patta at this length of time, since the land has been classified as 'Meikal Poromboke'. It is not made clear, under what circumstances, the said lands were assigned during the relevant point of time to the petitioner and those assignments and its validity are also to be looked into in such circumstances. The petitioner states that he is in possession of the 'Meikal Poromboke' and seeking patta. The petitioner participated in Indo-Pakistan war in the year 1971 and now aged about 76 years.

8. The Tahsildar, Krishnagiri District, has considered the application submitted by the writ petitioner and made a finding that as per the Revenue Records, the subject property is classified as 'Meikal Poromboke' and therefore, the petitioner if at all eligible can seek alternate assignment by submitting an application before the competent authority and if he is otherwise eligible, his case may be considered on merits. However, the



W.P.No.13002 of 2023

'Meikal Poromboke' lands cannot be assigned nor patta can be granted in favour of the petitioner, more so, it is an assignment granted under the scheme and the Government is empowered to cancel the assignment on certain valid reasons or in the interest of public or in the interest of public policy.

9. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

28.04.2023

Index : Yes
Speaking order
Neutral Citation: Yes

kak

To

1.The Secretary to Government,
Revenue Department, Secretariat,
Chennai – 9.

2.The District Collector,
Krishnagiri.



W.P.No.13002 of 2023

3.The District Revenue Officer,
Krishnagiri.

WEB COPY

4.The Revenue Divisional Officer,
Krishnagiri.

5.The Tahsildar,
O/o.The Tahsildar,
Krishnagiri, Krishnagiri District.



WEB COPY



W.P.No.13002 of 2023

S.M.SUBRAMANIAM, J.

kak

W.P.No.13002 of 2023

28.04.2023