



WEB COPY

W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.21359, 21368, 21375, 21383 & 21388 of 2019

and

W.M.P.Nos.20579, 20584, 20589, 20593 & 20596 of 2019

W.P.No.21359 of 2019:

Mr.R.K.Baskar

... Petitioner

Vs.

1.The District Revenue Officer,
Tiruppur.

2.The Revenue Divisional Officer,
Udumalaipettai.

3.The Tahsildar,
Udumalaipettai.

... 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 of the 1st respondent made in proceedings No.Na.Ka.11804/2017/J1 dated 12.06.2019 confirming the order of the 2nd respondent vide his proceedings made in Na.Ka.3280/2016/A1 dated 24.02.2017 and 3rd respondent vide his proceedings made in Na.Ka.14988/2015/A5 dated 30.09.2015 and quash the



W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019

same and consequently directing the 3rd respondent to transfer patta in respect of 7.35 acres of land in S.F.No.361/2, 375/1, 375/2, 375/3 in Elayamuthuru Village, Udumalaipet Taluk, Tiruppur District in the name of petitioner and pass suitable orders.

W.P.No.21368 of 2019:

1.Mr.Dasarath B.S. (Deceased)

2.Nanda Dashrath Sawarkar

3.Shantabai Baburao Sawarkar

4.Abishek Dashrath Sawarkar

5.Mayank Dashrath Sawarkar

... Petitioners

[P2 to P5 substituted LR's of deceased sole petitioner vide order dated 22.09.2023 in WMP.No.1211/2022 in WP.No.21368/2019]

Vs.

1.The District Revenue Officer,
Tiruppur.

2.The Revenue Divisional Officer,
Udumalaipettai.

3.The Tahsildar,
Udumalaipettai.

... 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 of the



W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019

1st respondent made in proceedings No.Na.Ka.12097/2017/J1 dated 12.06.2019 confirming the order of the 2nd respondent vide his proceedings made in Na.Ka.3276/2016/A1 dated 24.02.2017 and 3rd respondent vide his proceedings made in Na.Ka.14989/2015/A5 dated 30.09.2015 and quash the same and consequently directing the 3rd respondent to transfer patta in respect of 2.09 acres of land in S.F.No.346/1, 2.02 acres in S.F.No.346/2, 2.02 acres in S.F.No.346/3, 1.94 acres in S.F.No.346/5, 2.09 acres in S.F.No.348/1 in Elayamuthuru Village, Udumalaipet Taluk, Tiruppur District in the name of petitioner and pass suitable orders.

W.P.No.21375 of 2019:

Mr.S.W.Dhaneshwar

... Petitioner

Vs.

1.The District Revenue Officer,
Tiruppur.

2.The Revenue Divisional Officer,
Udumalaipettai.

3.The Tahsildar,
Udumalaipettai.

... 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 of the 1st respondent made in proceedings No.Na.Ka.12092/2017/J1 dated 12.06.2019 confirming the order of the 2nd respondent vide his proceedings



W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019

made in Na.Ka.3278/2016/A1 dated 24.02.2017 and 3rd respondent vide his proceedings made in Na.Ka.14987/2015/A4 dated 30.09.2015 and quash the same and consequently directing the 3rd respondent to transfer patta in respect of 1.89 acres of land in S.F.No.347/1, 2.01 acres of land in S.F.No.347/2, 1.61 acres of land in S.F.No.347/3 and 1.94 acres of land in S.F.No.347/4, in Elayamuthur Village, Udumalpet Taluk, Tiruppur District in the name of petitioner and pass suitable orders.

W.P.No.21383 of 2019:

Mr.H.G.Shiwaji

... Petitioner

Vs.

1.The District Revenue Officer,
Tiruppur.

2.The Revenue Divisional Officer,
Udumalaipettai.

3.The Tahsildar,
Udumalaipettai.

... 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 of the 1st respondent made in proceedings No.Na.Ka.11803/2017/J1 dated 07.06.2019 confirming the order of the 2nd respondent vide his proceedings made in Na.Ka.3277/2016/A1 dated 24.02.2017 and 3rd respondent vide his proceedings made in Na.Ka.14991/2015/A5 dated 30.09.2015 and quash the



W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019

same and consequently directing the respondents 1 to 3 to transfer patta in respect of 1.94 acres of land in S.F.No.380/3, 1.74 acres of land in S.F.No.381/2, 2.51 acres of land in S.F.No.383/1 and 2.00 acres of land in S.F.No.383/2, 2.01 acres of land in S.F.No.384/1, in Elayamuthur Village, Udumalpet Taluk, Tiruppur District in the name of petitioner and pass suitable orders.

W.P.No.21388 of 2019:

1.Mr.N.W.Shamrao (Deceased)

2.Ramabai Shamrao Wankhede

3.Dnyaneshwar Shamrao Wankhede

4.Sangita Maruti Medhe ... Petitioners

[P2 to P4 substituted LR's of deceased sole petitioner vide order dated 22.09.2023 made in WMP.No.20806/2023 in WP.No.21388/2019]

Vs.

1.The District Revenue Officer,
Tiruppur.

2.The Revenue Divisional Officer,
Udumalaipettai.

3.The Tahsildar,
Udumalaipettai.

... Respondents



W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent made in proceedings No.Na.Ka.12095/2017/J1 dated 12.06.2019 confirming the order of the 2nd respondent vide his proceedings made in Na.Ka.3279/2016/A1 dated 24.02.2017 and 3rd respondent vide his proceedings made in Na.Ka.14986/2015/A4 dated 30.09.2015 and quash the same and consequently directing the 3rd respondent to transfer patta in respect of 2.04 acres of land in S.F.No.374/1, 2.17 acres of land in S.F.No.361/3, 1.23 acres of land in S.F.No.361/5, 2.26 acres of land in S.F.No.370/4 in Elayamuthur Village, Udumalpet Taluk, Tiruppur District in the name of petitioner and pass suitable orders.

For Petitioners : Mr.A.Veerasamy
(in 5 WPs)

For Respondents : Mr.R.Ramanlaal
Additional Advocate General
Assisted by Mr.T.Arun Kumar
Additional Government Pleader
(in 5 WPs)

COMMON ORDER

The order passed by the 3rd respondent in proceeding dated 30.09.2015 and the order passed by the Revenue Divisional Officer in proceeding dated 24.02.2017 are under challenge in the present writ petition.



WEB COPY

W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019



2. The petitioners state that they are the absolute owners of the lands described in these writ petitions. The lands were purchased by the petitioners and consequently patta was also transferred in the name of the petitioners. The petitioners received a notice from the Tahsildar based on the direction issued by the High Court to consider the representation. In response to the notice, the petitioners appeared before the 3rd respondent for enquiry and made their submissions along with the documents. The petitioners claimed that they are entitled for patta and without appreciating the defence submitted by the petitioners and the documents produced before the Tahsildar, the Revenue Divisional Officer rejected the claim of the petitioners. Thereafter, a revision was filed before the District Revenue Officer, which was also rejected on the same ground. Thus, the petitioners are constrained to move the present writ petitions.

3. The learned counsel for the petitioners mainly contended that there are no records available to establish that the lands belonging to the Government and such lands were assigned in the presence of any records to



establish a valid assignment by the competent authorities, now at this length of time, authorities cannot deny the transfer of patta.

4. The learned Additional Advocate General appearing on behalf of the respondents states that revenue records are filed to establish that it is Government land and it was assigned on Condition based on the revenue standing orders. When such conditional assignment is followed the Government is empowered to refuse the patta and to cancel the assignment and to resume the lands by power of resumption conferred under the Revenue Standing Order and therefore, the writ petition is sought to be rejected.

5. Perusal of the order impugned reveals that there is no elaborate adjudication with reference to records available to establish the case of the Government. In the absence of any such findings, this Court is not in a position to form an opinion whether the lands are alienated or otherwise. Thus, the cases are to be remanded back for fresh adjudication to consider the issues elaborately with reference to the documents and evidences available on record.



WEB COPY

W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019



6. In view of the facts and circumstances, the impugned orders are quashed and the matter is remanded back to the District Revenue Officer for fresh consideration. The District Revenue Officer is directed to issue summons to all the parties, call for the revenue records and conduct an elaborate enquiry by affording opportunity to all the parties and pass appropriate final orders on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

7. With the above directions, these Writ Petitions stand allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.09.2023

ns1/jeni
Index : Yes
Neutral Citation : Yes
Speaking order



W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019

To

- 1.The District Revenue Officer,
Tiruppur.
- 2.The Revenue Divisional Officer,
Udumalaipettai.
- 3.The Tahsildar,
Udumalaipettai.



WEB COPY



W.P.Nos.21359, 21368, 2
21383 & 21388 of 2019

S.M.SUBRAMANIAM, J.

ns1/jeni

**W.P.Nos.21359, 21368, 21375,
21383 & 21388 of 2019**

27.09.2023