



WEB COPY

W.P.No.27585 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27585 of 2023

R.Parthasarathy

... Petitioner

Vs.

1.Commissioner,
Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.

2.District Collector,
Villupuram District,
Villupuram.

3.District Revenue Officer,
Villupuram District,
Villupuram.

4.Tahsildar,
Kandachipuram Taluk,
Villupuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 4th respondent to obey the directions issued by the respondents 1 and 2, dated 09.09.2022, 08.11.2022 and 30.11.2022 respectively and to issue Patta Passbook in favour of the



petitioner for the left out “Tarisu” land to an extent of 1 acre 77 cents comprised in Paimash No.211 of 1964 and Paimash No.209 of 1973 of Melvalai Village, Kandachipuram Taluk, Villupuram district.

For Petitioner : Mr.P.Johnson

For Respondents : Mr.G.Krishna Raja,
Additional Government Pleader.

ORDER

The relief sought for in the present writ petition is to direct the 4th respondent to obey the directions issued by the 1st and 2nd respondents, dated 09.09.2022, 08.11.2022 and 30.11.2022 respectively and issue Patta passbook in favour of the petitioner for the left out “தரிசு” land to an extent of 1 acre 77 cents comprised in Paimash No.211 of 1964 and Paimash No.209 of 1973 of Melvalai Village, Kandachipuram Taluk, Villupuram district.

2. The petitioner states that his grand father late Mr.Aadhimoolam has got right over 5.05 acres of land based on nine different documents in his favour. The petitioner's family were in the possession and enjoyment of the said extent of agricultural land including the garden land. The Paimash numbers are converted into new survey numbers. Out of nine documents



excluding the document Nos. 318/1964, 325/1964 and 1963/1973, having an extent of 3 acres and 28 cents were given Patta in favour of the grand father of the writ petitioner Mr.Aadhimoolam on 19.08.2014. Certain portions of the properties comprised in Document Nos. 318/1964, 325/1964 and 1963/1973 has been included in the Patta issued to the extent of 3 acres and 28 cents and the remaining extent of 1 acre and 77 cents are declared as “தரிசு” land against the truth and the said properties are belonging to the family members of the writ petitioner.

3. The learned counsel for the petitioner mainly contended that the Patta lands are erroneously reclassified as Government “தரிசு” lands and the petitioner being the Pattadar of the properties is entitled to hold the same. On account of wrong classifications, the Patta has been refused in favour of the petitioner and the petitioner is constrained to move the present writ petition.

4. The learned Additional Government Pleader assisted by Smt.G.Karpagam, Tahsildar, Kandachipuram has furnished a copy of the written instructions, dated 23.09.2023, stating that the subject lands are classified as “தரிசு” in the Revenue Records. The said “தரிசு” lands are



belonging to the Government and the petitioner or his family members are not eligible for the assignment of “தரிசு” lands, since the petitioner is now working in Indian Railways and the father of the writ petitioner, Thiru.Ramasamy was working as Village Administrative Officer and retired from service. Since the petitioner is owning the lands in Melvalai Village, he is not eligible for the Patta in respect of the Government “தரிசு” lands.

5. The learned Additional Government Pleader reiterated that the Government “தரிசு” lands are to be assigned only in favour of the landless poor people, by following the procedures as contemplated under the Revenue Standing Orders. If at all, the petitioner claims ownership of that particular land or states that the Government Authorities have wrongly classified the Patta lands as “தரிசு” lands, it is for the petitioner to approach the competent Civil Court of law for the purpose of establishing his right. Contrarily, the burden of proof cannot be shifted on the Government to establish the title of the petitioner by producing the documents. The Tahsildar, Kandachipuram has produced the records stating that the subject lands are classified as “தரிசு” lands. That being the factum, as per the records available, the petitioner has to establish his case through the documents and evidences, by approaching



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the competent Civil Court of law. The petitioner cannot insist for reverse burden of proof, which is impermissible under law, in such cases, where the Government lands are classified in the Revenue Records.

6. The documents produced by the respondents would be sufficient to form an opinion that the subject lands are classified as “தரிசு” and that being the factum, the petitioner is not entitled for the relief as such sought for in the present writ petition. More so, the petitioner and his family members are owing the lands in other locations and therefore they are not eligible to avail the benefit of the assignment of the Government lands at free of cost under the Revenue Standing Orders. Thus, the petitioner is not eligible for the relief as such sought for in the present writ petition.

7. Accordingly, the writ petition stands dismissed. No costs.

26.09.2023

veda/mkn2

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes /No



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To

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