



W.P(MD)No.249 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.249 of 2022

K.Nagendran

... Petitioner

Vs.

- 1.The Secretary,
Revenue Department,
Secretariat,
Fort St. George,
Chennai.
- 2.The Commissioner,
Commissioner of Land Survey and Settlement,
Chepauk,
Chennai - 600 005.
- 3.The District Collector,
Collectorate,
Madurai District - 625 001.
- 4.The Assistant Director,
The Collectorate,
District Land Survey Office,
Madurai District - 20.



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5.The Revenue Divisional Office,
Peraiyur Road,
Usilampatti,
Madurai District.

6.The Tahsildar,
Pattalakundu Road,
Usilampatti,
Madurai District.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents No.2 to 4 and 6 to accept the fifth respondent order in M.M. No.4407/2018/A3 dated 31.12.2018 and to rectify the 'Anatheenam' (Government Land) and to carry out the mutation of the revenue records of Patta No.2216, Citta and 'A' Register in Sr.No.94/7 to the extents of 0.31.0 acres land to computerized the petitioner name under rule 10(1) of the Computerized the property situated at Poochipatti Village, Nakkalpatti Post, Usilampatty Taluk, Madurai District and to consider the petitioner's representation, dated 23.06.2021.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.N.Muthu Vijayan, - for R1 to R6
Special Government Pleader



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ORDER

The writ petition has been filed in the nature of Mandamus seeking for a direction to respondents 2 to 4 and 6, namely, The Commissioner, Commissionerate of land Survey and Settlement, Chennai, the District Collector, Madurai, Assistant Director, District Land Survey Office, Madurai and the Tahsildar, Usilampatti, Madurai District, to accept the order of the fifth respondent / Revenue Divisional Officer, Usilampatti, Madurai District, dated 31.12.2018, and rectify the classification of land namely, Anatheenam land /Government land and to carry out the mutation in the revenue records with respect of patta, chitta and 'A' register with respect to lands measuring an extent of 0.31.0 acres in Survey No.94/7 at Poochipatti Village, Nakkalpatti Post, Usilampatty Taluk. The petitioner has given a representation on 23.06.2021, in this regard.

2. Heard the learned counsel on either side and perused the materials available on record.



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3. In the affidavit filed in support of the writ petition, the petitioner K.Nagendran had stated that the Government had provided patta under the scheme for providing such patta for poor agricultural families to get land in Special Schemes 2006. The land in Survey No. 94/7 measuring 0.31.0 acres had been allotted to the petitioner by order No.14389/06/B3 DNMN, dated 12.12.2006. The land has also been registered in the village 'A' Register record and in patta No.2216. It is claimed that the patta stands in the name of the petitioner herein. The petitioner has also been cultivating various plants, particularly, drum-sticks, in the said lands. The petitioner sought for agricultural loan from the Co-operative Society. When he applied for computerized patta, it reflected the classification of lands as Anatheenam lands/ Government lands. He had given a representation seeking correction in the records of the lands which had been assigned to him, so that he could get loan from the Co-operative Society.

4. The writ petition has been filed in the nature of Mandamus seeking for a direction that the fifth respondent/ Revenue Divisional Officer must pass an order stating that the lands should be



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categorized as Assigned lands and not as 'Anatheenam lands'. However, it is represented that among the conditions given for such allotment, one specific condition is that the petitioner should not convey the property for profit to any other individual. To that extent, there shall be a binding order against the petitioner from conveying the said property.

5. The alternate is for the petitioner is to get loan over the said property. Among various conditions under which assignment has been granted, it has been very specifically stated that the petitioner can raise a loan on the basis of the lands but the classification of the lands should remain as if they are vested with the Government. If the petitioner has any issues with the Co-operative Society where he has applied for loan, then Section 22(A) of the Legal Service Authorities Act comes to rescue of the petitioner herein, and the society can be categorized as a public utility. I would grant liberty to the petitioner to move an application before the District Legal Services Authority, who may issue to the said Co-operative Bank, to examine the documents of assignment and then if they are otherwise satisfied, examine the credentials of the petitioner for grant of loan. But this Court cannot issue



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any direction or Mandamus to any of the authorities to reclassify the lands from Anatheenam lands. That is not permissible.

6. The petitioner can always be in possession of the lands, can always use the land for profit namely, for cultivation, but the title vests with the Government and the possession vests with the petitioner. The petitioner does not have marketable title to the said lands, but certainly on the basis of assignment, he is entitled to raise loans and to clarify that, the service of the District Legal Authority may be utilised.

7. With the above observations, the writ petition is disposed of. No costs.

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Index :Yes/No
Internet :Yes/No
NCC : Yes / No
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C.V.KARTHIKEYAN, J.

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