



W.P.(MD) No.2732 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2732 of 2020

A.Prathapan

.. Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Sub Collector,
Sub Collector Office,
Cheranmahadevi,
Tirunelveli District.

3.The Tahsildar,
Taluk Office,
Cheranmahadevi,
Tirunelveli District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 3rd respondent to include the petitioner's name as Pattathar and restore the classification of land from vacant Punja land to Punja land in Survey Nos.934/3 and 935/3 to the total extent of 3 acres 52 cents situated at Veeravanallur



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Village, Veeravanallur Sub Registrar Circle, Cheranmahadevi Registration, Tirunelveli District by considering the petitioner's representation dated 19.08.2019.

For Petitioner : Mr.A.Sankararamasubramanian

For Respondents : Mr.A.Sivanupandian
Government Advocate

ORDER

The petitioner, who is a practising Advocate before the Sub Court, Ambasamudram, has moved this Court stating that while reclassifying the land and while updating the register, the extent of land in his enjoyment has been reduced for which he had made a representation dated 19.08.2019 to the third respondent.

2. The petitioner would submit that the properties comprised in S.Nos.350/1, 351/1, 366/4, 934/1, 934/2, 934/3 and 935/3 situate in Aathalanallur Village, Veeravannalur Sub-Division (North), Ambasamudram, Tirunelveli belong to one Ganapathiyapillai. The said Ganapathiyapillai has sold the property comprised in the said survey



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numbers in favour of the petitioner's father Arunachala Thevar under a registered sale deed dated 24.11.1983. From the date of purchase, his father has been in possession and enjoyment of the same. After the death of his father, he and his siblings had entered into a partition and on the basis of the release deed dated 07.07.2003, the properties comprised in S.Nos.934/1 (measuring an extent of 15 cents), 934/2 (measuring an extent of 16 cents), 934/3 (measuring an extent of 3 acres and 17 cents) and 935/3 (measuring an extent of 35 cents) along with old HP Motor and well had been allotted to his share. He has been regularly using the pump set and the well for irrigation purpose. The revenue records also show him as the Pattadhar. While so, in the year 2015, he came to learn that S.Nos.934/3 and 935/3 were renumbered as New S.Nos.1575 and 935 and on classification, the said land has been converted as vacant punja land and his name has been removed as Pattadhar.

3. It is the contention of the petitioner that he has not received any notice prior to the change. Hence, he had made a representation dated 07.09.2015 to the second respondent to include his name and restore the



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classification from vacant punja land. Though the representation was received, no action was taken. Once again a second representation dated 19.08.2019 was sent by the petitioner to respondents 1 to 3 to include his name as a Pattadhar. Since no effective steps have been taken, the petitioner has come forward with this writ petition.

4. It is admitted that originally it was the petitioner who was shown as the Pattadhar in respect of the lands in question and the lands had been described as patta lands, which is evident from a perusal of the documents, which have been annexed to the writ petition.

5. The learned Government Advocate for the respondents would submit that the changes had been effected after the introduction of the updating scheme.

6. The petitioner would submit that he has not received any prior notice before this reclassification and grant of patta.



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7. In the above circumstances, this Writ Petition is disposed of and a direction is issued to the respondents to consider the petitioner's representation dated 19.08.2019 and pass orders within a period of eight weeks from the date of receipt of a copy of this order. The respondents shall refer to the earlier documents which clearly show the extent of land that was originally recorded in the revenue records in the name of the petitioner while passing orders and it shall be recorded as to how the same has been reduced while updating the register. No costs.

28.03.2023

NCC : Yes/No

Index : Yes/No

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P.T.ASHA, J.

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