



W.P.(MD) No.9212 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.9212 of 2020

and

W.M.P.(MD) No.8400 of 2020

P.Natarajan

.. Petitioner

Vs.

1.The District Collector,
Collectorate,
Theni District, Theni.

2.The Assistant Director of Town Panchayats,
O/o. Assistant Director of Town Panchayats,
Collectorate, Theni.

3.The Executive Engineer,
Tamilnadu Slum Clearance Board,
Theni at Madurai,
Opp. To Jawahar Hospital,
Door No.169, K.K.Nagar,
Madurai-625 020.

4.The Tahsildar,
Bodinayakanur Taluk,
Bodinayakanur,
Theni District.



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5. The Executive Officer,
B.Meenakshipuram Town Panchayat,
B.Meenakshipuram,
Bodinayakanur Taluk,
Theni District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing respondents 1 to 4 to grant patta to the petitioner based on the petitioner's representation dated 16.07.2020 and till the disposal of the petitioner's above said representation dated 16.07.2020 restraining the third respondent to stop the illegal construction in the petitioner's occupied land in S.No.257/1 measuring an extent 2.12 Acres of land situated at B.Meenakshipuram Village, Bodinayakanur Taluk, Theni District.

For Petitioner : Mr.M.Venkatesan

For RR1, 2, 4 & 5 : Mr.A.Sivanupandian
Government Advocate

For R3 : Ms.S.Latha
Standing Counsel

ORDER

The above writ petition is filed for the following relief:

“For the issue of a Writ of Mandamus directing respondents 1 to 4 to grant patta to the petitioner based



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on the petitioner's representation dated 16.07.2020 and till the disposal of the petitioner's above said representation dated 16.07.2020 restraining the third respondent to stop the illegal construction in the petitioner's occupied land in S.No.257/1 measuring an extent 2.12 Acres of land situated at B.Meenakshipuram Village, Bodinayakanur Taluk, Theni District.”

2. The case of the petitioner is that he belongs to the Adi Dravidar Community (Hindu-Pallar) and the land situate in S.No.257/1 measuring an extent of 0.86.0 Hectares in B.Meenakshipuram Village, Bodinayakanur Taluk, Theni District, belonged to his maternal grandfather Chellandi Kudumban, who had purchased the property way back in the year 1902 under a registered sale deed bearing Document No. 1357/1902 and another deed bearing Document No.3004/1912. From the date of his purchase, he and after him, his successors in interest including the petitioner were in enjoyment of the same. At present, the petitioner and his four brothers are jointly enjoying the said property. The land in question has been developed into a coconut tope in one portion and the remaining is being utilised for paddy cultivation and other crops. The



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petitioner and his brothers have also put up a house in S.No.258/1 to an extent of 0.12 Ares, which is adjacent to this land in S.No.257/1. The land has been in the cultivation of their family for well over a century.

3. Since they have been in continuous enjoyment of the said land, the petitioner and his brothers applied to the Revenue Authorities to get an assignment patta in their name, since the land is classified as an 'Assessed Waste Wet land' in the revenue records. The petitioner would submit that he and his brothers have been paying necessary B-Memo charges and taxes in respect of the said property.

4. The first respondent had called upon the fourth respondent to consider the representation of the petitioner and grant patta. As a sequel to this, the fourth respondent had also inspected the land and has recommended the grant of assignment patta. Accordingly, the fifth respondent, *vide* resolution dated 24.11.2004 had resolved that they have no objection to the grant of patta in respect of S.No.257/1, measuring an



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extent of 0.86.0 Ares to the petitioner and his brothers. However, despite all these recommendations, the assignment patta was not given to the petitioner and his brothers, as a result of which he had made yet another representation on 16.08.2005. The petitioner would submit that these lands are the only source of income for them. While so, the Government Officials had decided to acquire lands for the purpose of allotting it for constructing houses under the Slum Clearance Scheme. The petitioner would submit that even after setting apart his lands in respect of the remaining lands, patta could be granted to him and his brothers.

5. A counter affidavit has been filed by the third respondent stating that a total extent of 1.06.80 Hectares had been transferred to the Tamil Nadu Urban Habitat Development Board and requested for a dismissal of the writ petition.

6. The fifth respondent, on the other hand, would file a counter stating that 0.58.30 Hectares has been alienated in favour of the Tamil Nadu Slum Clearance Board for construction of the slum tenements and



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admittedly, there are some lands which continue to be in possession of the petitioner.

7. The writ petition is for a mandamus directing respondents 1 to 4 to grant patta in respect of the lands in possession of the petitioner and his brothers, after considering the representation. This Court is inclined to order the writ petition with a direction to the fourth respondent to consider the petitioner's representation, in the light of the fact that they have been admittedly in possession and enjoyment of the lands for merely a century. That part, they have also developed the said lands as is evidenced from the photographs annexed in the writ petition, which has not been refuted by the respondents. Further, it is only a portion of the property, which has now been utilised for putting up tenements and the remaining extent still remains vacant, but in the possession of the petitioner.

8. In the result, this Writ Petition is disposed of directing the respondents to dispose of the petitioner's representation within a period



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of eight weeks from the date of receipt of a copy of this order. No costs.

Consequently, connected miscellaneous petition is closed.

15.06.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

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O/o. Assistant Director of Town Panchayats,
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P.T.ASHA, J.

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B.Meenakshipuram,
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