

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

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THE HONOURABLE MS.JUSTICE P.T.ASHA

WP(MD)No.9260/2020 &
WMP(MD)Nos.8442 & 8443/2020

V.Rajeshkanna

... Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The Tahsildar,
Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus calling for the records relating to the impugned order of the second respondent dated Nil as per Website of the second respondent 'land belongs to the government petition rejected' quash the same and consequently direct the second respondent herein to issue mutation of patta in the name of petitioner for his property in Plot No.98 measuring 2178 sq.ft., in S.No.6/6B, Pudupattinam Village, Thanjavur District by virtue of registered Inam Settlement Deed dated 08.01.2015 vide Doc.No.118/2015 on the file of the Sub Registrar, Thanjavur.

For Petitioner : Mr.S.Srinivasa Raghavan
For Respondents : Mr.D.Ghandiraj,
Special Government Pleader

ORDER

The petitioner before this Court has challenged the order passed by the second respondent rejecting the petitioner's request for mutation of the patta in his name in respect of Plot No.98 measuring 2178 sq.ft., in S.No.6/6B, Pudupattinam Village, Thanjavur District.

2.1. The petitioner's grievance is that the large extent of the property in question which had measured 8.40 acres had been acquired by the State Government under Land Acquisition proceedings and an Award bearing No.1/77 RC 8845/75 (A2) dated 28.06.1977 had been passed. The acquisition was for the benefit of the members of the 'Lower Class Government Servants Association' to construct residence. The possession of land acquired was handed over to the Association. Thereafter, the Association had formed layout and executed sale deeds to its members. The Housing Colony came to be called as 'Kamaraj Nagar'.

2.2. One K.Gopalasamy had purchased a plot measuring an extent of 2178 sq. ft. under a registered sale deed dated 09.02.1978. He in turn sold the property to the petitioner's father Vaiyapuri under sale deed dated 11.07.1979 and the petitioner's father was in possession and enjoyment of the same. The revenue records of the house plot were mutated in the name of the petitioner's father. On 08.01.2015, the petitioner's father had executed settlement deed in favour of the petitioner. The house in the said property had become dilapidated and requires repair. Therefore, the petitioner had applied for financial assistance from 'Magma Finance Company'. The said Company insisted upon the petitioner obtaining patta in his favour. Therefore, the petitioner had made an application to the second respondent to mutate the revenue records in his favour. The petitioner would submit that after the submission of his application, he had not received any communication from the second respondent calling him for an enquiry. Thereafter, when the petitioner had verified the website of the second respondent, he came to learn that the application had been rejected

without any enquiry and on the ground 'land belongs to Government'. It was only this cryptic order that the petitioner had got from the website. Therefore, the petitioner had come forward with the present petition.

3. The Tamil Nadu Patta Passbook Act and its Rules contemplate that enquiry on an application for grant of patta has to be undertaken and thereafter orders to be pronounced. Such enquiry has not taken place in the instant case. That apart, the second respondent has not deemed it fit to pass speaking orders and reading of the order would clearly show that the second respondent has not considered any of the documents submitted by the petitioner.

4. Therefore, the writ petition is allowed. The impugned order of the second respondent is set aside. The petitioner shall submit a fresh application to the second respondent and on receipt of such application, the second respondent shall consider the same after issuing notice and affording an opportunity of personal hearing to the petitioner and shall pass speaking orders within a period of one month from the date of

receipt of such application. No costs. Consequently, the connected
Miscellaneous Petitions are closed.

29.03.2023

NCC:Yes/No

Index:Yes/No

Speaking/Non-speaking order

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To

1.The District Collector,
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2.The Tahsildar,
Thanjavur.

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P.T.ASHA, J.

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