



W.P(MD)No.18370 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18370 of 2020

1.Shanmugakani (Died)

2.Patchaiperalum

... Petitioners

*(P2 is substituted vide order dated 19.01.2023
in W.M.P.(MD)No.18772 of 2021 in
W.P.(MD)No.18370 of 2020 by GRSJ)*

Vs.

The Tahsildar,
Thoothukudi Taluk,
Thoothukudi.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in O.Mu.A6/086418/2020 dated 12.11.2020 on the file of the Respondent and quash the same and further directing the Respondent to conduct survey and sub divide the portion of 56 cents in the property bearing S.No.340/2 in Melavittan Part I Village, Tuticorin Taluk and District and issue separate Patta to the petitioner in respect of the said land.



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For Petitioners : Mr.G.Prabhu Rajadurai

For Respondent : Mr.M.Lingadurai,
Spl. Government Pleader.

ORDER

Heard the learned counsel on either side.

2.The first petitioner approached the first respondent seeking transfer of patta in her favour. It was rejected. The reason for rejecting the first petitioner's case is that the land in question was classified as Kattukuthugai. Challenging the said order of the first respondent, the present writ petition has been filed.

3.When the matter was taken up for hearing, the learned Special Government Pleader fairly brought to my notice the proceedings of the Additional Chief Secretary/Commissioner of Land Administration, Chepauk, Chennai issued vide Roc.K1/29575/2013, dated 14.04.2014. Paragraph Nos.6, 7 and 8 of the said circular read as follows:-

“6. It is seen from the Resurvey and Resettlement Register published in the year 1911, Milavittan Village is a Ryotwari Village and certain Survey numbers in the Village have been recorded as



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"Government Dry" and assessment of fixed rent or Kattukuthugai to be levied. In the book 'Land Tenures in the Madras Presidency by 'Sundaraja Iyengar, Kattukuthagai has been defined as the lands held at a fixed money rent less than full assessment. According to the Resurvey and Resettlement Register of the year 1911, the S.No 1622/1 measuring 81.93 Acres was classified as "Government Dry" and recorded as Kattukuthagai and also registered in the names of Individuals under patta no 729. During the Updating Registry Scheme, the S.No 1622/1 was subdivided as 1622/1A, 1B1.1C and 1D1 and recorded as Kattukuthagai Punjai and registered in the names of Thiru Maniappan and 8 others under patta no 3225. At the same time, the lands which were classified as Government Dry or Wet with regular assessment in the year 1911 Resurvey and Resettlement Register have been recorded as 'Ryotwari punjai' in the Updating Registry Scheme 'A' register. Only the lands which were recorded as Kattukuthagai in the 1911 Resurvey and Resettlement Register have been recorded as Kattukuthagai Punjai with the fixed assessment in the Updating Registry Scheme. However, it is seen from the Updating Registry Scheme 'A' Register, some Survey Numbers, which were recorded as above have been changed as Ryotwari from Kattukuthagai and class, sort, tharam of soil and assessment rate have been entered in the 'A' register. It cannot be ascertained either from the District Revenue Officer's proposal or the copies of Village Accounts, when and why these changes were entered in the Village Accounts. At the same time, no order has been passed by the Commissioner of Land Administration to keep the Kattukuthagai Patta Lands as 'Government Dry' or to convert the patta for these lands as a Vacant patta in the computer records. The reason for this has not been brought out in the proposal of the District Revenue Officer.



7. *The Abolition Acts have been enacted to abolish the Land Tenures and to introduce the uniform Ryotwari System in the State. As the Milavittan Village is a Ryotwari Village and the Kattukuthagai lands are not covered under any Inam Title Deed, it is not required or possible to carry out the settlement process in the village once again. However, a detailed perusal of the records shows that the term 'Kattukuthagai' in the village records seems to indicate that the land had a fixed assessment of land revenue and not a regular one. These lands as well as the land which had a regular assessment of land revenue (and were subsequently classified as Ryotwari lands in the Updating Registry Scheme 'A' Register) were originally classified as 'Government Dry' or 'Wet' in the 1911 Resurvey and Resettlement Register. Further, these Kattukuthagai assessment lands (which are to be differentiated from the Kattukuthagai kulams which have been clearly classified as Government poramboke) have been registered in the names of Individuals from the 1911 Resurvey and Resettlement Register. Since the original method of assessment of land revenue was different and it was specifically recorded so during the settlement, there seems to be no case to change the classification or the assessment at this stage to Ryotwari punjai' without further going into the reasons behind such a differential assessment. However, the classification of the land as Kattukuttagai does not seem to bar the land holders from carrying out transactions on these lands for which they have been originally holding patta.*

8. *In these circumstances, the District Revenue Officer, Thoothukudi is requested to look into this matter and examine all the land records and ensure that the correct entries are made in the Village records and Taluk Computer. The District Revenue Officer, Thoothukudi*



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is instructed to pass necessary orders on the request of the petitioners within 3 months time from the date of receipt of this order.”

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4.It is seen from the above, the petitioner has to approach the District Revenue Officer for relief. The petitioner is permitted to submit a fresh application for transfer of patta before the District Revenue Officer, Thoothukudi. The District Revenue Officer, Thoothukudi shall consider the petitioner's application in the light of the aforesaid order circular dated 14.04.2014 issued by the Commissioner of Land Administration and after holding enquiry pass final order on merits and in accordance with law within a period of eight weeks thereafter.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2023

NCS : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Tahsildar,
Thoothukudi Taluk,
Thoothukudi.



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G.R.SWAMINATHAN, J.

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