



W.P(MD)Nos.18992 & 20353 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.18992 & 20353 of 2022

and

W.M.P.(MD)No.22553 of 2022

In W.P.(MD)No.18992 of 2022

M.Pushpalatha Mannan

... Petitioner

Vs.

1.The State of Tamil Nadu represented by
The Principal Secretary to the Government,
Revenue Department,
Fort St.George,
Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The District Revenue Officer,
District Collector's Office,
Dindigul District.

4.The Revenue Divisional Officer,
Revenue Divisional Office, Kodaikanal,
Kodaikanal,
Dindigul.

5.The Tahsildar,
Taluk Office,



W.P(MD)Nos.18992 & 20353 of 2022

Kodaikanal Taluk,
Dindigul District.

6.N.M.Ravi Bhaskar

7.N.P.Sivakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pursuant to the impugned order TR.No./2022/0159/13/000071-2022-07-13, dated 13.07.2022 on the file of the fourth respondent / the Revenue Divisional Officer, Kodaikanal and quash the same as illegal and consequently, direct the fourth respondent to issue patta in the name of the petitioner within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Siddharthan
Additional Government Pleader for R1 to R5

: Mr.P.T.S.Narendravasan for R6

In W.P.(MD)No.20353 of 2022

G.Maruthupandi

... Petitioner

Vs.

1.The State of Tamil Nadu represented by
The Principal Secretary to the Government,
Revenue Department,
Fort St.George,
Chennai.



W.P(MD)Nos.18992 & 20353 of 2022

2.The District Collector,
Dindigul District,
Dindigul.

3.The District Revenue Officer,
District Collector's Office,
Dindigul District.

4.The Revenue Divisional Officer,
Revenue Divisional Office, Kodaikanal,
Kodaikanal,
Dindigul.

5.The Sub Registrar,
The Sub Registrar Office,
Kodaikanal Taluk,
Dindigul District.

6.Jawaharlal

7.N.M.Ravi Bhaskar

8.N.P.Sivakumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pursuant to the impugned order TR.No./2022/0159/13/000071-2022-07-13, dated 13.07.2022 on the file of the fourth respondent / the Revenue Divisional Officer, Kodaikanal and quash the same as illegal and consequently, direct the fourth respondent to issue patta in the name of the petitioner within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.M.Siddharthan
Additional Government Pleader for R1 to R5

: Mr.P.T.S.Narendravasan for R6 & R7



W.P(MD)Nos.18992 & 20353 of 2022

COMMON ORDER

Heard the learned counsel on either side.

2. The only issue that calls for consideration is whether the fourth respondent was justified in issuing joint patta in favour of the private respondents. The fourth respondent cannot be faulted for having passed the impugned order because it was pursuant to the direction given by me vide order dated 30.05.2019 in W.P.(MD)No.11233 of 2019. In the said writ petition, the issue that was raised was whether the classification of the land as adidravidar natham should be deleted and the character of the land as patta land should be restored. It was pointed out that the land was acquired for the purpose of providing house sites to Adidravidar persons in W.P.No.9751 of 1986 dated 18.11.1996. The authorities took the stand that permission from the Government has to be obtained before effecting reclassification. I held that once the acquisition proceeding has been quashed, there is no need for obtaining permission from the Government for reclassification. In that view of the matter, the land was ordered to be reclassified. This part of the order will hold good. However, it was not brought to my notice that there are rival claimants. Without being aware of the same, I directed the authorities to issue joint patta in favour of the writ petitioners. I can understand as to why the



W.P(MD)Nos.18992 & 20353 of 2022

Revenue Divisional Officer, Kodaikanal passed the impugned order. This order is put to challenge by the petitioners herein by pointing out that they had purchased the property through registered sale deed way back in the year 1996-97. Of-course, the purchase appears to have taken place, when W.P.No. 9751 of 1986 was still pending. The writ petitioners herein had purchased from Solaiammal and Natarajan. I need not go into the title of the vendors. The fact remains that transactions of the writ petitioners were through registered sale deeds. Their names are very much appearing in the encumbrance registers.

3. Thus, one can easily conclude that without going into the merits of the matter, the writ petitioners herein are very much having interest in the subject matter. I therefore clarify the earlier order passed by me in W.P.(MD)No.11233 of 2019 and set aside the orders impugned in the writ petitions. The matter is remitted to the file of the fourth respondent. The fourth respondent will issue notice afresh to the private respondents as well as the writ petitioners and other interested persons if any. After enquiring all the parties, an order on merits and in accordance with law for issuance of patta will be passed by the fourth respondent. I make it clear that re-classification of the land in question from the original category of Adidraavidar will hold good.



W.P(MD)Nos.18992 & 20353 of 2022

WEB COPY

4. These writ petitions are allowed with this direction. I make it clear that allowing these writ petitions will not be construed to mean that this Court has endorsed the right or title of the writ petitioners herein. It will not operate to the prejudice of the private respondents. In other words, all the contentions of the respective parties are left open. No costs. Consequently, connected miscellaneous petition is closed.

06.02.2023

Index : Yes / No
Internet : Yes/ No
rmi

NOTE: Issue Order Copy on 15.02.2023.

To

- 1.The Principal Secretary to the Government,
Revenue Department,
Fort St.George,
Chennai.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The District Revenue Officer,
District Collector's Office,
Dindigul District.



W.P(MD)Nos.18992 & 20353 of 2022

4. The Revenue Divisional Officer,
Revenue Divisional Office, Kodaikanal,
Kodaikanal,
Dindigul.

5. The Tahsildar,
Taluk Office,
Kodaikanal Taluk,
Dindigul District.

6. The Sub Registrar,
The Sub Registrar Office,
Kodaikanal Taluk,
Dindigul District.



WEB COPY



W.P(MD)Nos.18992 & 20353 of 2022

G.R.SWAMINATHAN, J.

rmi

W.P(MD)Nos.18992 & 20353 of 2022

06.02.2023