



W.P(MD)No.20974 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 24.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20974 of 2014 and
MP(MD) No.1 of 2014

R.Paramasivam

...Petitioner

Vs.

The Tahsildar,
Thottiyam Taluk,
Trichy District.

...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 of the order dated 12.08.2013 in Na.Ka.A1-3737-2013 on the file of the Tahsildar, Thottiyam Taluk, Trichy District herein, the respondent herein and quash the same and consequently direct the respondent to issue patta in favour of the petitioner in respect of the lands in S.Nos.177/1A, 177/1B, 177/1C, 177/1D in M.Kalathur Village, Thottiyam Taluk, Trichy District.

For Petitioner : Mr.M.T.Arunan
For Respondents : Mr.J.K.Jayaselman
Government Advocate



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ORDER

This writ petition is filed as against the proceedings of the Tahsildar, Thottiyam Taluk in Na.Ka.A1-3737-2013, dated 12.08.2013 and consequently direct the respondent to issue patta in favour of the petitioner in respect of the lands in S.Nos.177/1A, 177/1B, 177/1C, 177/1D in M.Kalathur Village, Thottiyam Taluk, Trichy District.

2.The petitioner is said to have purchased the lands in Survey Nos.177/1A, 177/1B, 177/1C, 177/1D to an extent of 2.31 acres in M.Kalathur Village, Thottiyam Taluk, Trichy District on 11.07.2005 and 29.05.2006, by way of registered documents 662 of 2005 and 495 of 2006 respectively. The petitioner has applied for transfer of patta in his name. The respondent, by his order dated 12.08.2013 has rejected the request of the petitioner on the ground that these lands in Survey Nos.177/1A, 177/1B, 177/1C, 177/1D were assigned to one Vellaiyan, who belongs to Adi Dravidar



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community and subsequently, these lands have been sold by the said Vellaiyan, as against the assignment conditions and therefore, patta cannot be granted. This order is under challenge in this writ petition.

3.On 14.03.2023, when this writ petition was taken up for hearing, the learned Government Advocate by producing a patta, issued in favour of the petitioner submits that since the patta has already been issued to the petitioner, nothing survives in this writ petition for further adjudication.

4.Being not satisfied with the submission of the learned Government Advocate, this Court directed the respondent/Tahsildar, Thottiam Taluk to file a report as to the reasons for changing the earlier order of the Tahsildar, Thottiyam Taluk, dated 12.08.2013 and how the subsequent order granting patta in favour of the petitioner has been passed.



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5.The reply of the respondent is that since the petitioner has applied for grant of patta through online, the respondent has considered the same and issued a patta in favour of the petitioner.

6.This Court considered the submissions made on either side and perused the materials placed on record.

7.The petitioner has purchased the lands in Survey Nos. 177/1A, 177/1B, 177/1C, 177/1D to an extent of 2.31 acres in M.Kalathur Village, Thottiyam Taluk, Trichy District through registered documents and applied for transfer of patta. However, the same was rejected by the respondent/Tahsildar on 12.08.2013 stating that those lands were already assigned to one Vellaiyan, who belongs to Adi Dravidar community and subsequently, the lands have been sold by the said Vellaiyan, as against the assignment conditions and therefore, patta cannot be granted in favour of the petitioner. While this being so, a patta has been granted in favour of the petitioner subsequently. The stand taken by the respondent is that based on the



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online application submitted by the petitioner, the patta has been granted. Even if the applications have been received through online, the respondent ought to have verified the relevant revenue records, before issuing a patta. More over, the earlier order passed by the Tahsildar, dated 12.08.2013 is expected to be available in the office records. While so, without considering/verifying the same, it is not known, under what circumstances, a patta has been granted to the petitioner for the subject lands on the application filed by him through online, that too, when the above lands have already been assigned to a person belongs to Adi Dravidar Community and it was sold by him against the assignment conditions.

8.In view of the submissions made by the learned counsel for the petitioner as well as the respondent, this writ petition is dismissed as infructuous. However, there shall be a direction to the District Collector, Trichy to conduct an enquiry as to how the patta has been granted in favour of the petitioner, disregard to the earlier order of the Tahsildar, dated 12.08.2013. Registry is directed



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to mark a copy of this order to the District Collector, Trichy. No costs. Consequently, connected Miscellaneous Petition is closed.

24.04.2023

NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.
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To

- 1.The Tahsildar,
Thottiyam Taluk,
Trichy District.
- 2.The District Collector,
Trichy.



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B.PUGALENDHI, J.

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