



W.P(MD)No.11972 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11972 of 2015

Ramakrishnan

... Petitioner

Vs.

- 1.The District Collector,
O/o. The Collectorate,
Ramanathapuram District.
- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Tahsildar,
Kadaladi Taluk, Kadaladi,
Ramanathapuram District.

5.R.Karuppiah

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to issue Patta in S. No. 497/2 an extent of Acres 2, Cents 94 of Appanur Village, Kadaladi Taluk, Ramanathapuram District, thereby considering the Petitioner's representation dated 19.06.2015.



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For Petitioner : Mr.M.Karthikeya Venkatachalapathy
for Mr.S.Madhavan

For Respondents : Mr.K.Christy Theboral
Additional Government Pleader for R1 to R4
: Mr.S.Rajasekar for R5

ORDER

Heard the learned counsel on either side.

2. The petitioner seeks issuance of patta for the petition mentioned land.

3. The learned counsel appearing for the fifth respondent points out that the land has been classified as 'neerpidi' (water spread area) and that in respect of such land, patta cannot be issued. The stand of the petitioner is that this was not the original classification and that it is an erroneous classification made some time in late 1980s. He also relies on the decree dated 24.11.2006 made in O.S.No.53 of 1997 on the file of the District Munsif Court, Mudhukulathur. The State of Tamil Nadu as well as Tahsildar were the defendants in the said suit. It appears that the petitioner is locked in litigation with the villagers and that the matter has come up to the stage of second appeal.



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4. I am therefore not in a position to straight away issue direction to the fourth respondent to grant patta to the petitioner. The petitioner is permitted to submit a fresh application for issuance of patta before the fourth respondent. The fourth respondent shall conduct enquiry. The fourth respondent will issue notice to the fifth respondent. Ayacutdhars shall be heard in a representative capacity. If there is any issue regarding classification, the fourth respondent can also seek appropriate direction from the Land Commissioner, Chepauk, Chennai. I refrain from going into the merits of the matter. The issue as to whether the petitioner should be given patta or not shall be decided by the authorities within six months from the date of receipt of the fresh application from the petitioner.

5. The Writ Petition is disposed of accordingly. No costs.

11.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

1.The District Collector,
O/o. The Collectorate,
Ramanathapuram District.

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- 2.The District Revenue Officer,
O/o. The District Revenue Officer,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Paramakudi,
Ramanathapuram District.
- 4.The Tahsildar,
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