



W.P(MD)No.8962 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8962 of 2014 and
MP(MD) Nos.1 & 2 of 2014

N.Ragupathy

...Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Deputy Tahsildar,
Head Quarters,
Dindigul District.

3.Jaiganesh

4.Rajadurai

5.Vignesh

...Respondents

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 pertaining to the impugned order passed by the second respondent dated 26.07.2012 in patta pass book number 1226 and quash the same consequently direct the



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second respondent herein to conduct fresh enquiry and include the name of the petitioner as per the representation of the petitioner dated 25.07.2013.

For Petitioner	:Mr.M.Sankar
For R1 & R2	:Mr.S.Shaji Bino Special Government Pleader
For R3 & R5	:Mr.M.P.Senthil

ORDER

The petitioner claiming to be the owner of the land in S.No.389/20 to an extent of 15 Acres situated at Sirumalai Village, Dindigul District has filed this writ petition as against the order passed by the second respondent, dated 26.07.2012 granting patta in favour of the respondents 3 to 5.

2.The learned counsel appearing for the petitioner submits that the above lands are originally belong to his father, namely, Narasimalu Naidu and during his life time, a partition deed was executed and registered before the Joint Registrar Office, Dindigul. As per the partition deed, the land in Survey No.389/20



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belongs to him and the petitioner is in possession and occupation of the property. According to the petitioner, the respondents 3 to 5 herein, who are the adjacent land owners have approached the second respondent for grant of patta for the subject land and the second respondent without conducting any enquiry and without providing an opportunity to the petitioners has passed the order issuing a patta in favour of the respondents 3 to 5. Aggrieved over the same, this writ petition is filed.

3.The learned Additional Government Pleader by relying upon the counter affidavit filed by the second respondent submits that the petitioner is a third party to the land in Survey No.389/20 to an extent of 64.5 cents of Sirumalai Village. The land was originally Zaminndari land and after the abolishment Acts, one Dhanraj Pillai claims patta before the Forest Settlement Officer in Claim No. 281/1978. However, his request was rejected by the Forest Settlement Officer on 25.10.1979. Challenging the same, the said Dhanraj Pillai has preferred an appeal before the District Court,



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Madurai in CMA No.104 of 1980 and the appeal was allowed by setting aside the order of the Forest Settlement Officer, dated 25.10.1979 and the matter was remanded back to the Forest Settlement Officer for fresh consideration. Thereafter, the Forest Settlement Officer has passed a final order dated 01.06.1981 by allowing the claim of Dhanraj Pillai on the property in Survey No. 389/20, Sirumalai Village. This order of the Forest Settlement Officer, dated 01.06.1981 was challenged by the District Forest Officer before the District Court, Madurai in CMA No.43/1982 and the same was dismissed on 24.04.1982. However, the said Dhanraj Pillai has not claimed any patta for the land and therefore, the revenue records reveals that S.No.389/20 was assessed as an "unassessed Tarisu". The said Dhanraj Pillai died in the year 2005. Thereafter, the legal heirs of Dhanraj Pillai/ the respondents 3 to 5 herein have approached the District Revenue Officer that pursuant to the order passed by the District Court in the year 2005, the revenue records have not been mutated. On that application, the District Revenue Officer has passed the order after obtaining a report from



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the Tahsildar and the Revenue Divisional Officer, which is impugned in this writ petition.

4. Heard the learned counsel on either side and perused the materials placed on record.

5. According to the petitioner the land in S.No.389/20 to an extent of 15 Acres situated at Sirumalai Village, Dindigul District is his ancestral property and the second respondent without conducting an enquiry and without providing an opportunity to the petitioner has passed the order issuing a patta for the above land in favour of the respondents 3 to 5. On the other hand, the learned Government Advocate has taken a specific stand that the respondents 3 to 5 are the legal heirs of one Dhanraj Pillai and the said Dhanraj Pillai has obtained an order from the Forest Settlement Officer as early as on 01.06.1981 on the land in Survey No.389/20, Sirumalai Village. However, he has not taken any steps for mutation of revenue records and died subsequently. Therefore, the legal heirs



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of the said Dhanraj Pillai, who are the respondents 3 to 5 herein have approached the District Revenue Officer and the District Revenue officer, based on the reports of the concerned Tahsildar and the Revenue Divisional Officer has passed the order granting patta for the subject lands in favour of the respondents 3 to 5.

6.In view of the above, this Court is not inclined to interfere with the impugned order. Accordingly, this writ petition is dismissed. However, a liberty is granted to the petitioner to file a civil suit before the appropriate civil Court for establishing his rights. On such filing of a suit, the period of pendency of this writ petition may be excluded for the purpose of limitation, if any. No costs. Consequently, connected Miscellaneous Petitions are closed.

20.06.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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