



W.P(MD)No.17996 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.17996 of 2015

and

M.P.(MD)No.1 of 2015

S.Sayed

... Petitioner

Vs.

1.The Revenue Divisional Officer,
Madurai.

2.The Tahsildar,
Melur,
Madurai District.

3.Mohamed Iqbal

... 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 records pertaining to the impugned proceedings of the 1st respondent in Ni.Mu. No. 1820/ 2014/C dated 04.03.2015 as illegal and to restore the patta in Chockalingapuram SNo. 368 IA, New No. 368/ 4 in the name of petitioner.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 & R2
: Mr.P.Santhana Krishnan for R3



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ORDER

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Heard both sides.

2. The case of the petitioner is that the mother of the third respondent and her siblings sold the subject property in favour of the petitioner's wife as early as on 27.05.1981. The petitioner's wife is no more. It appears that when the petitioner applied for issuance of patta, assignment patta was issued instead of revenue patta. When the petitioner applied for issuance of patta in his name, the impugned order cancelling the assignment was issued. Challenging the same, the present writ petition has been filed.

3. Even according to the petitioner, he was not eligible for assignment patta. There are several kinds of pattas. When one is an occupation of natham land, application can be submitted before the Revenue Divisional Officer and natham patta will be issued in favour of the occupant. For the purpose of levy of kist, patta as normally understood is issued. It is colloquially called as revenue patta. Assignment patta is issued by the Government in favour of landless poor or any person coming under the eligible category. The original title holder is the Government and after assignment patta is issued, assignee becomes the owner. The petitioner's case is not that his wife was assigned the land by the Government. Therefore, cancellation of the assignment patta cannot be subject to any legal challenge.



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4. The learned counsel for the petitioner states that O.S.No.379 of 2013 has been filed against the mother of the fourth respondent and her siblings for the relief of declaration and consequential reliefs. Since the fourth respondent's mother passed away, steps have been taken to bring the legal heirs on record. If the petitioner has any grievance against the third respondent, the petitioner has to work out his remedy only before the jurisdictional civil court in the said suit. If the petitioner wants relief against the Government, it is open to the petitioner to implead the Government also in the pending suit. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open. Granting liberty to the petitioner to work out his remedy before the jurisdictional civil court in O.S.No.379 of 2013, the Writ Petition is dismissed. The learned trial Judge will bear in mind that the suit was filed way back in the year 2013. If any application for impleading the Government is filed, the same will be disposed of expeditiously. The suit itself shall be disposed of as early as possible. The order cancelling assignment is sustained. No costs. Consequently, connected miscellaneous petition is closed.

14.08.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

rmi

To

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Madurai.

2.The Tahsildar,
Melur,
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