



W.P(MD)No.19293 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19293 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

A.Chandrasekar

... Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Tiruchirappalli Revenue Division,
Tiruchirappalli.

3.The Tahsildar,
Tiruchirappalli West Taluk,
Tiruchirappalli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of proceedings of the 2nd respondent made in Na.Ka.No.A7/2703/2015, dated 29.09.2015 and quash the same.



W.P(MD)No.19293 of 2015

For Petitioner : No appearance

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader.

ORDER

None appears for the writ petitioner.

2.The case of the writ petitioner is as follows:-

The petitioner's mother / A.Pappa was given assignment patta in respect of the petition mentioned property measuring 1.60 acres vide proceedings dated 10.04.1974. The petitioner's mother belongs Adi Dravidar community. She belongs to land less category. The Tashildar, Tiruchirappalli had assigned the said land. Her possession was repeatedly threatened. She filed O.S.No.2055 of 1992 on the file of District Munsif Court, Tiruchirappalli. She also filed O.S.No.2343 of 1996 and O.S.No.36 of 1997 on the file of II Additional Musif Court, Tiruchirappalli. All these cases ended in her favour. However when the petitioner's mother applied for issuance of patta, it was denied by the



W.P(MD)No.19293 of 2015

Revenue Divisional Officer, Tiruchirappalli on 21.03.2006. The petitioner's mother filed review before the District Revenue Officer, Tiruchirappalli. The District Revenue Officer, Tiruchirappalli on 16.05.2008 remanded the matter. Even thereafter, the Revenue Divisional Officer passed the very same order declining to issue patta. Challenging the said order, the present writ petition came to be filed.

3.Since there is no legal representation for the petitioner, I went through the contents set out in the affidavit filed in support of the writ petition and perused the materials on record.

4.It is true that the petitioner's mother filed as many as three suits and she succeeded in all of them. In those suits, only private individuals were shown as defendants. The State of Tamil Nadu was not a defendant. Therefore, the petitioner cannot take advantage of the same. According to the respondents, assignment patta dated 10.04.1974 relied on by the petitioner is a bogus document. It is further contended that the petition mentioned property has been classified as “களம்”. It is well settled that “களம்” is meant for common use. Patta cannot be issued in respect of a



W.P(MD)No.19293 of 2015

land classified as “களம்”. An allegation of fraud has been made. This issue cannot be resolved in writ jurisdiction. In the very nature of things, evidence will have to be adduced. Therefore, I am not in a position to interfere with impugned order. However, the petitioner is given liberty to file a civil suit to establish his title over the property in question. The petitioner to necessarily implead the State of Tamil Nadu represented by the District Collector, Tiruchirappalli in the suit. The petitioner has to establish two facts. (a) Assignment patta dated 10.04.1974 is genuine document. (b) The land was never classified as “களம்”. If the petitioner succeeds in establishing these factual aspects, the suit will have to be decreed. The order impugned in this writ petition will abide by the outcome of the suit that may be instituted by the writ petitioner.

5.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

24.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias



W.P(MD)No.19293 of 2015

WEB COPY To:-

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
Tiruchirappalli Revenue Division,
Tiruchirappalli.
- 3.The Tahsildar,
Tiruchirappalli West Taluk,
Tiruchirappalli District.



WEB COPY



W.P(MD)No.19293 of 2015

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.19293 of 2015

24.07.2023