



WP(MD)No.1103 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.1103 of 2016

1.R.Baskaran

2.R.Ganesan

3.R.Venugopal

... Petitioners

Vs

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Collectorate,
Madurai.

3.The Tahsildar,
Melur Taluk,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus, directing the respondents to grant patta to the petitioners for the land in S.No.11/1 to an extent of 1.40.5 ares situated at Poonchuthi Village, Thiruvathavoor Firka, Melur Taluk, Madurai District within the period stipulated by this Court.



WEB COPY



WP(MD)No.1103 of 2016

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.T.Vilavan Kothai,
Additional Government Pleader

ORDER

This writ petition is filed for a mandamus, directing the respondents to grant patta to the petitioners for the land in S.No.11/1 to an extent of 1.40.5 ares situated at Poonjuthi Village, Thiruvathavoor Firka, Melur Taluk, Madurai District within the period stipulated by this Court.

2.The learned Counsel for the petitioners submits that the petitioners' grandfather one M.K.Muthu was in possession and enjoyment of the land in S.No.11/1 Poonjuthi village and he had been paying land tax from the year 1962 and subsequently the petitioners have been in possession and enjoyment of the same. At this stage, the petitioners made representation to the respondents for separate patta in their name and it has not been considered by the respondents. The learned Counsel for the petitioners has also relied on the tax receipts issued by the village panchayat on various dates viz., 12.03.1993, 14.02.1995,



WP(MD)No.1103 of 2016

22.02.1992 and 02.03.1995. All the receipts which were enclosed in the typed set of papers are relating to patta No.502 issued by the village panchayat.

3.The learned Additional Government Pleader based on the written instructions received from the Village Administrative Officer, Poonjuthi Village, Melur Taluk, Madurai District submits that the land in S.No.11/1 to an extent of 3.31.5 acres in patta No.1502 is in the name of Lond Colony society in the UDR Register and the Revenue Divisional Officer by his proceedings in Na.Ka.Nos.1962/93 dated 06.11.1998 and 7426/98/A3, dated 01.12.1998 cancelled the entry made in the patta register and it was also directed to be rectified in the revenue records as government poramboke since 1998. The land is now recorded as government poramboke and the petitioners are not having any record to substantiate that they are in possession of the property.

4.The learned Counsel for the petitioners produced some photographs to show that the petitioners are cultivating the land.



WP(MD)No.1103 of 2016

5.The petitioners are not having any other documents except the tax receipts issued in patta No.502, to substantiate that the petitioners are entitled for patta. On the other hand, the Village Administrative Officer, Poonjuthi village submitted written instructions that the land in S.No.11/1 Poonjuthi village to extent of 3.31.5 acres in patta No.502 originally stood in the name of Lond Colony Seshan Society and subsequently by the proceedings of the Revenue Divisional Officer, the property has been classified as Government Poramboke.

6.In the light of the above discussion this Court is not inclined to entertain this writ petition and accordingly, this writ petition is dismissed. However, the petitioners are at liberty to challenge the proceedings of the Revenue Divisional Officer dated 06.11.1998 and 01.12.1992 and also to work out his remedy before the Civil Court. No costs.

16.02.2023

Internet : Yes / No

dsk



WP (MD) No.1103 of 2016

To

- 1.The District Collector,
Madurai District.
- 2.The Revenue Divisional Officer,
Collectorate,
Madurai.
- 3.The Tahsildar,
Melur Taluk,
Madurai District.



WEB COPY



WP (MD) No.1103 of 2016

B. PUGALENDHI, J.

dsk

WP (MD) No.1103 of 2016

16.02.2023