



W.P.(MD)No.13023 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :14.03.2023

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13023 of 2016

and

W.M.P.(MD).No.9850 of 2016

1.M.A.M.M.Nagoor Mohaideen

2.Mrs.Junaitha Beevi

... Petitioners

Vs.

1.The District Collector,
Ramanathapuram District.

2.The District Revenue Officer cum
Additional District Magistrate,
Ramanathapuram.

3.The Thasildar,
Ramanathapuram Taluk,
Ramanathapuram District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the order passed in PA MU/13282/2014(B6), dated 31.12.2015, on the file of the second respondent herein and to quash the same and direct the second respondent to consider the report of the third respondent in



W.P.(MD)No.13023 of 2016

Na.Ka.No.B9/15382/2014, dated 26.09.2014, recommending grant of patta to the petitioners and further direct the second respondent to rehear the petitioners by permitting to produce all relevant documents.

For Petitioner :Mr.K.R.Laxman
For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioners assail an order dated 31.12.2015 of the second respondent by which the request for patta was declined.

2. Learned counsel for the petitioners submits that the request for patta was declined in spite of the petitioner placing before the second respondent the registered settlement deed dated 21.10.1976 and multiple sale deeds executed between 21.10.1976 and 11.10.2013. Learned counsel for the petitioner also submits that there is no dispute with regard to title and that even the boundaries indicated in the documents produced by the petitioner tally with the boundaries indicated in the impugned order.



W.P.(MD)No.13023 of 2016

WEB COPY

3. In response, learned Special Government Pleader invited my attention to the operative portions of the impugned order. In particular, she pointed out that the second respondent took into consideration the Settlement Register of 1958 and the changes made under the UDR Register of 1986 to conclude that the property was previously classified as 'grama natham'. She also pointed out that it was recorded that a request for the grant of patta for lands admeasuring more than 35 cents cannot be granted by the second respondent and that the relevant land is being used as a common pathway. Learned Special Government Pleader concluded her submissions by stating that the petitioner should approach the Commissioner of Land Administration and that the present writ petition is liable to be rejected.

4. On perusal of the impugned order, it is evident that the second respondent has taken into consideration the status of the relevant land as per the Settlement Register of 1958 and the UDR records of 1986. The impugned order also records that the petitioner has not provided all requisite documents. Undoubtedly, disputed questions of fact are involved in the adjudication of the dispute that the petitioner has presented before this



W.P.(MD)No.13023 of 2016

WEB COPY

Court. Since the petitioners have an alternative remedy by way of approaching the Commissioner of Land Administration, it is inappropriate to exercise discretionary jurisdiction in this matter.

5. For reasons set out above, W.P.(MD).No.13023 of 2016 is disposed of by granting leave to the petitioners to approach the Commissioner of Land Administration within a period of 30 days from the date of receipt of a copy of this order. If the petitioners approach the Commissioner of Land Administration within the time limit specified above, the grievances of the petitioners shall be considered and disposed of on merits. There shall be no order as to costs. Consequently, connected W.M.P. (MD).No.9850 of 2016 is closed.

14.03.2023

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbm



W.P.(MD)No.13023 of 2016

WEB COPY To

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W.P.(MD)No.13023 of 2016

SENTHILKUMAR RAMAMOORTHY, J.

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W.M.P.(MD).No.9850 of 2016

14.03.2023