



W.P.(MD)No.13837 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.13837 of 2016
and
W.M.P.(MD).No.10316 of 2016

M.Kumarasamy

Vs.

... Petitioner

1.The Government of Tamil Nadu,
Rep by its,
Principal Secretary and Commissioner
for Revenue Administration,
Revenue Department, Chepauk,
Chennai-600005.

2.The District Collector,
Collectorate Campus,
Pudukottai.

3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Illuppur, Pudukkottai District.

4.The Tahsildar,
Taluk Office, Kulathur,
Pudukkottai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India

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praying for issuance of Writ of Certiorarified Mandamus to call for the records relates to the Impugned order passed by the second respondent vide his proceedings in Na.Ka.No.4651/2015/E5, dated 23.11.2015 and quash the same as illegal and direct the second respondent to issue patta and not to interrupt the petitioner peaceful possession and enjoyment of the petitioner's land in Survey No.80/9, for an extent of 5 acres in Alangudi Village, Kulathur Taluk, Pudukkottai District based on the petitioner's representation dated 04.05.2016.

For Petitioner :Mr.S.Radhakrishnan

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

The petitioner assails an order dated 23.11.2015 of the second respondent and seeks a direction to the second respondent to issue patta to the petitioner.

2. The petitioner asserts that he is cultivating 5 acres of land in Survey No.80/9 in Alangudi Village, Kulathur Taluk for the past 30 years. He further asserts that the lands in Survey Nos.80/9, 80/10, 80/11 and 80/12 were assigned to the poor people by the Government of India in the year



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1965 and that patta was issued thereafter to the allottees. According to the petitioner, the patta pass books were in a damaged stage and, therefore, the petitioner approached the second respondent by making a representation. Since such representation was not considered, the allottees filed W.P. (MD).Nos.8110 to 8112 of 2009 and the said writ petitions were disposed of by order dated 19.08.2009 directing the first respondent therein to consider the representations of the petitioners and pass orders on merits. Thereafter, two writ petitions were filed by several persons, including the petitioner, W.P.(MD).No.6468 of 2015 and W.P.(MD).No.5459 of 2015. The said writ petitions were disposed of by order dated 29.07.2015 directing the District Collector to consider the representations of the petitioners dated 30.03.2015 on merits and to pass orders thereon. The impugned order was issued pursuant thereto.

3. Learned counsel for the petitioner submits that the petitioner is in occupation of the land and has been undertaking cultivation thereon for a long period. He also states that the Adangal reflects the name of the petitioner. By drawing reference to the earlier orders of this Court, learned



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counsel submits that the impugned order is unsustainable and that this Court should call for the original records. He further submits that such original records will evidence the allotment made to the petitioner's predecessors.

4. Learned Special Government Pleader refutes the above contentions. By drawing reference to the impugned order, she points out that the lands have been classified as Government Poramboke lands in the settlement and re-settlement registers. She further submits that the impugned order reflects that the petitioner failed to produce any documentary evidence in support of the claim for patta. Since the impugned order was passed after providing a reasonable opportunity to the petitioner and after examining the evidence on record, she submits that no interference is called for.

5. The earlier orders of this Court dated 19.08.2009 and 29.07.2015, respectively, do not deal with the merits of the petitioner's claim. By these orders, the respondent therein was directed to consider the representation of the petitioner and dispose of the same on merits. The



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petitioner's representation was disposed of on merits by order dated 23.11.2015. It is not the petitioner's case that he was not heard before the impugned order was issued.

6. On examining the impugned order, it is evident that the second respondent has examined the revenue records relating to the relevant survey numbers and has recorded a finding that the land was classified as Government Poramboke land. The impugned order also records that the assertion of the petitioner that lands were allotted in 1965 under a scheme of the former Prime Minister is untrue. Significantly, the impugned order records that the petitioner produced as evidence a small slip of paper which did not bear the signature of any Government Officer or the official stamp or seal. On such basis, after examining the relevant records, the second respondent recorded that the assertion that patta had been granted previously is not borne out by records and that, therefore, it is confirmed that no patta was issued previously. Thus, the impugned order was issued after providing a reasonable opportunity to the petitioner and after examining the records and the evidence produced by the petitioner. In these



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facts and circumstances, there is no infirmity in the impugned order and, therefore, no interference is warranted.

7. For the reasons set out above, W.P.(MD).No.13837 of 2016 is dismissed without any order as to costs. Consequently, W.M.P.(MD).No. 10316 of 2016 is closed.

28.03.2023

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



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SENTHILKUMAR RAMAMOORTHY, J.

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