



W.P(MD)No.18619 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.18619 of 2018
and
M.P.(MD)No.16485 of 2018

C.Dhayalan

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

... 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 relating to the impugned order in Na.Ka.C1 / 21275 / 2016 dated 31/07/2018 on the file of the 1st Respondent and quash the same and further directing the Respondents to enter the name of the petitioner and other legal heirs of Ramalingam Pillai in Land revenue records in respect to the property comprised in Survey No.272/1 measuring about 1.69 acres situated in Manamadurai, Sivagangai District.



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For Petitioner : Mr.G.Prabhurajadurai

For Respondents : Mr.D.Gandhirajan
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner felt aggrieved by the classification of the land in question as Anaathinam in the settlement proceedings as well as during UDR. He filed petition before the District Revenue Officer, Sivagangai seeking reclassification. Since it was not considered, the petitioner filed W.P.(MD)No. 19057 of 2016. This Court directed the District Revenue Officer to consider the petitioner's representation on merits and in accordance with law. Pursuant to the said direction, the impugned order came to be passed. The District Revenue Officer has taken a stand that he lacks jurisdiction to go into the issue. Challenging the said stand, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner relied on G.O.Ms.No. 1300, Revenue Department, dated 30.04.1971 which provides for grant of patta outside the scope of Tamil Nadu Act 26 of 1948. He called upon this Court to set aside the impugned order and remit the matter to the file of the first respondent for fresh consideration.



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4. The respondents have filed counter affidavit and the learned Special Government Pleader submitted that the impugned order is correct and that it does not call for interference.

5. The learned Special Government Pleader pointed out that the impugned order itself relies on G.O.Ms.No.714, dated 29.06.1987 fixing the cutoff date for applying ryotwari patta. He has also drawn my attention to the order dated **19.08.2021** in **W.A.No.739 of 2019 (V.Udayan and others Vs. the Special Commissioner)**. The Hon'ble Division Bench had held that once cut off date has been fixed, the applicant have no right to apply for ryotwari patta thereafter.

6. I therefore uphold the objections raised by the learned Special Government Pleader and sustain the impugned order. The petitioner is given liberty to move the jurisdictional civil Court for establishing his rights. If the civil suit is filed within 8 weeks from the date of receipt of a copy of this order, limitation will not be raised against the writ petitioner. I make it clear that I have not gone into the merits of the matter. All the contentions of the petitioner are left open. The writ petitioner will have to prove his case on the strength of his preexisting right.



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7. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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To

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2.The Tahsildar,
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