



W.P.(MD)No.9172 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.9172 of 2016

and

W.M.P.(MD)Nos.7312 and 8181 of 2016

M.Govindaraj Konar

... Petitioner

versus

1. The District Collector,
Tiruchirappalli District,
Trichy.

2. The District Revenue Officer,
Tiruchirappalli District,
Trichy.

3. The Revenue Divisional Officer,
Trichy.

4. The Tasildhar,
Thiruverumbur Taluk,
Tiruchirappalli District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Certiorarified Mandamus, to call for



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the records in respect of 2nd respondent dated 15.12.2014 in Na.Ka.A2/14536/2013 and quash the order in respect of classification of said land in S.F. of Surveyor is Arasu Purompoke and direct the respondents to issue patta to above mentioned property S.F.No.182/4 of Suriyoor Village, Thiruverumbur Taluk, Trichy District to the petitioner.

For Petitioner : M/s.S.Devasena

For Respondents : Mr.M.Sarangan,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the proceedings of the second respondent, dated 15.12.2014, rejecting the request of the petitioner for grant of patta for the land in Survey No.182/4 situated at Suriyoor Village, Thiruverumbur Taluk, Trichy District to the petitioner.

2. The learned counsel for the petitioner submits that the petitioner's father has purchased the subject property from one



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Kaveryammal by way of a registered sale deed vide a document No.51 of 1959, from the date on which, they have been in possession and enjoyment of the property. Thereafter, when the Revenue Officials have disturbed with their possession, the petitioner has filed a suit in O.S.No.1144 of 2010 as against the Revenue Officials, before the District Munsif Court, Tiruchirappalli, for the relief of declaration and permanent injunction and the same was decreed in his favour, by Judgment and Decree dated 14.02.2011. On the strength of the said decree dated 14.02.2011, the petitioner has approached the second respondent/the District Revenue Officer, Tiruchirappalli, for issuance of patta. However, the second respondent/the District Revenue Officer, Tiruchirappalli, without any discussion with regard to the Judgment and Decree dated 14.02.2011, passed by the District Munsif Court, Tiruchirappalli, with regard to the suit property, has rejected the request of the petitioner for grant of patta, by his proceedings dated 15.12.2014.



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3. The learned Additional Government Pleader appearing for the respondents submits that the decree passed in favour of the petitioner in O.S.No.1144 of 2010 is an *ex parte* decree. As against the *ex parte* decree dated 14.02.2011, the respondents have also filed an application to set aside the *ex parte* decree. He further submits that the petitioner's father has purchased the land in Survey No.187 and therefore, the petitioner is not entitled for the land in Survey No.182/4.

6. The learned counsel for the petitioner has disputed the same and also relied on the information which has been provided to the petitioner under the Right to Information Act by the Personal Assistant to the District Collector, Tiruchirappalli, on 21.07.2015, wherein, the Information Officer has furnished a detail to the petitioner that as per the inam settlement register, the land in Survey No.182 was classified from Survey Nos. 187 and 177 and thereafter, the Survey No.182 is also sub-divided as Survey Nos.182/1, 182/2, 182/3 and 182/4.



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7. This Court considered the rival submissions and perused the materials available on record.

8. Admittedly, the petitioner's father has purchased a land in Survey No.187 by a registered sale deed vide a document No.51 of 1959. The petitioner has also filed a suit in O.S.No.1144 of 2010 as against the District Collector, Tiruchirappalli and the Tahsildar, Tiruchirappalli, for the relief of declaration and permanent injunction. The said suit was also decreed in favour of the petitioner, by Judgment and Decree dated 14.02.2011. Thereafter, he approached the District Revenue Officer, Tiruchirappalli and submitted a representation for grant of patta along with the Judgment and decree dated 14.02.2011 passed in O.S.No.1144 of 2010. However, the District Revenue Officer, Tiruchirappalli, has passed the impugned order without referring to the Judgment and Decree dated 14.02.2011 passed in O.S.No.1144 of 2010 and rejected the request of the petitioner for grant of patta.



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WEB COPY 9. The learned Additional Government Pleader submits that the Survey Nos.187 and 177 are different from survey No.182. However, the Personal Assistant to the District Collector, Tiruchirappalli, has clearly stated in his reply given under the Right to Information Act to the petitioner on 21.07.2015 that as per the inam settlement, the land in Survey No.182 was classified from Survey Nos.187 and 177 and during the inam settlement in the year 1972, these survey numbers have been changed as S.No.182 and it is further subdivided as S.Nos.182/1, 182/2, 182/3, 182/4. However, the 'A' Register produced by the learned Additional Government Pleader is not having any reference with regard to other Survey Nos.182/1, 182/2, 182/3 and Survey No. 182/4 is available in that register. Therefore, the impugned proceedings of the second respondent dated 15.12.2014 is liable to be set aside.

10. Accordingly, this writ petition is allowed and the impugned proceedings of the second respondent dated 15.12.2014 is set aside and



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the matter is remanded back to the second respondent for fresh consideration. The second respondent shall consider the case of the petitioner afresh, in the light of the Judgment and decree dated 14.12.2011 and also in the light of the information which has been provided to the petitioner by the Personal Assistant to the District Collector, Tiruchirappalli, dated 21.07.2015 and pass orders, after providing an opportunity of hearing to the petitioner, within a period of six months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

20.10.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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B.PUGALENDHI, J.

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