



W.P(MD)No.23162 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23162 of 2023

B.Alagarsamy

... Petitioner

Vs.

1.The District Revenue Officer,
District Collectorate,
Virudhunagar District,
Virudhunagar.

2.The Revenue Divisional Officer,
Virudhunagar District,
Virudhunagar.

3.The Thasildar,
Taluk Office,
Srivilliputhur,
Virudhunagar District.

4.The District Collector,
Virudhunagar District,
Virudhunagar.

... Respondents

*(R4 is suo motu impleaded vide order dated
08.12.2023 in W.P.(MD)No.23162 of 2023 by
GRSJ)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to issue patta for the land bearing survey No.356, in Srivilliputhur Taluk, Vadugapatti Village within the time frame fixed by this Court.

For Petitioner : Ms.B.Asha

For Respondents : Mr.S.RA.Ramachandran,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The only request made by the writ petitioner is for issuance of patta in his favour.

3.The petition mentioned land was purchased by the petitioner way back in the year 2011 vide Document No.1379/2011 on the file of the Sub Registrar, Conoor. The said property was originally assigned in favour of one Muthiah. 11 years after assignment, Muthiah sold the



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property. Thereafter, the revenue records were also mutated in his favour. The petitioner continues to be in possession and enjoyment of the property. The petitioner is now engaged in cultivation. There are a number of fruit bearing trees standing on the property. Whiles o vide order dated 02.01.2017, the District Revenue Officer, Virudhunagar cancelled the patta. Challenging the same, the petitioner filed W.P.(MD)No.1951 of 2017. The said writ petition was allowed by me on 22.06.2022. I had followed the decision of the Hon'ble Division Bench reported in **2010-5-L.W. 289 (T.Thirumalai Gounder and Others Vs. The State of Tamil Nadu, Rep. by its Secretary to Government, Land Administration, Fort St.George, Chennai and Others)**. The said order has become final.

4.The grievance of the petitioner is that even thereafter, patta has not been issued. It appears that the petitioner has to make a fresh on-line application. The petitioner's effort was unsuccessful because the land continues to be classified as unassessed land. Since the District Collector was not made as a party to the writ proceedings, remedy could not be given to the petitioner.



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5.The situation has now been set right. I have *suo motu* impleaded the District Collector, Virudhunagar. In view of the finality of attachment of the order dated 22.06.2022 made in W.P.(MD)No.1951 of 2017, the District Collector, Virudhunagar is directed to re-classify the land. It shall no longer be classified as unassessed land. It shall be described as patta land in the relevant record. This shall be done by the District Collector, Virudhunagar within a period of eight weeks from the date of receipt of a copy of this order. The petitioner can file an on-line application thereafter and patta shall be issued in favour of the petitioner by the third respondent.

6.This writ petition is allowed on these terms. No costs.

08.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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08.12.2023
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