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W.P.(MD)NO.28313 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.28313 of 2023

S.Kayalvizhi

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The District Revenue Officer,
Madurai.
3. The Revenue Divisional Officer,
Madurai Revenue Division,
Madurai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent and 2nd respondent to execute the classification change of the petitioner's house plot from SARKAR MANAI to RYOTWARI situated at Madurai District, Madurai North Taluk, Managiri Bit I, Survey Ward No.18, Block 12, TS No.107 and Survey No.8/11 (Part) based on the petitioner's representation dated 13.10.2022 made before the 3rd respondent and based on recommendation letter vide Moo.Moo. No.9286/2022/B1 dated 10.11.2022 recommended by the Tasildar, Madurai North Taluk, and based on the recommendation letter vide Naa.Kaa. No.7915/2022/H dated



19.01.2023 recommended by the 3rd respondent to the 1st respondent and to effect the change in online revenue records.

For Petitioner : Mr.C.Selvakumar

For Respondents: Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. The petition-mentioned land originally belonged to one Mariya Sornam. After she passed away, it devolved on her son C.Selvakumar. Selvakumar in turn settled the property in favour of the petitioner vide document No.544/2020 registered on the file Sub Registrar, Thallakulam. This was followed by a deed of partition among the petitioner and her children vide deed dated 06.06.2023 (document No. 1548/2023) on the file of the Sub Registrar, Thallakulam. The petitioner could not however deal with the property or avail bank loan because in the revenue record, the land continued to be classified as Sarkar Manai instead of Ryotwari. The



petitioner therefore submitted a representation before the Revenue Divisional Officer, Madurai on 13.10.2022. The petitioner obtained information by invoking the provisions of the RTI Act. The petitioner has been repeatedly knocking the doors of the respondents for effecting re-classification. Since the efforts did not yield any result, the petitioner was constrained to file the present writ petition.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

4. I went through the materials on record.

5. It is seen that the patta had already been mutated in favour of the petitioner and her minor children. A copy of the order dated 11.03.2020 issued by the Zonal Deputy Tahsildar, Sathamangalam, Madurai North has been enclosed in the typed set of papers. The jurisdictional Village Administrative Officer has also issued certificate endorsing the stand of the petitioner. It is further seen that the Revenue Divisional Officer, Madurai had already recommended the petitioner's case. When the matter was taken up for hearing,



the learned Special Government Pleader produced a communication from the District Revenue Officer, Madurai stating that steps are being taken to effect changes in the system. In fact they seek eight weeks time.

6. Taking into account all these aspects, respondents 1 and 2 are directed to re-classify the petition-mentioned land as “Ryotwari” instead of “Sarkar Manai” and also effect corresponding changes in the system and all the other related records. Online record shall also reflect the change. The entire exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. This writ petition stands allowed. No costs.

11.12.2023

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

PMU

Note : Issue order copy by 04.01.2024



To:

1. The District Collector,
Madurai District,
Madurai.
2. The District Revenue Officer,
Madurai.
3. The Revenue Divisional Officer,
Madurai Revenue Division,
Madurai.



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G.R.SWAMINATHAN,J.

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