



W.P.No.3977 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.3977 of 2024

S.Selvarasu

... Petitioner

versus

1.The District Revenue Officer,
Salem District, Salem.

2.The Revenue Divisional Officer,
Attur, Salem District.

3.The Tahsildar,
Thalaivasal,
Thalaivasal Taluk,
Salem District.

4.Selvi

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the rejection order passed by the first respondent in Na.Ka.No.172/2022/K5, dated 04.12.2023 confirming the rejection order passed by the second respondent in Mu.Mu.No.5617/2022/Aa1 dated

Pg.Nos.1/6



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31.10.2022 quash the same and direct the respondents 1 to 3 to issue patta to the petitioner in respect of the land in S.No.108/8, Kamakkapalayam Village, Thalaivasal Taluk, Salem District.

For Petitioner : Mr.V.Elangovan
For Respondents : Mr.T.Arun Kumar
Additional Government Pleader
for R1 to R3

ORDER

Mr.T.Arun Kumar, learned Additional Government Pleader accepts notice for respondents 1 to 3. Since this writ petition is being disposed of without passing any adverse orders against 4th respondent affecting his interest, notice to 4th respondent is dispensed with.

2. This writ petition has been filed to quash the rejection order passed by the first respondent in Na.Ka.No.172/2022/K5, dated 04.12.2023, confirming the rejection order passed by the second respondent in Mu.Mu.No.5617/2022/Aa1 dated 31.10.2022 and consequently direct the respondents 1 to 3 to issue Patta to the petitioner in respect of the land in S.No.108/8, Kamakkapalayam Village, Thalaivasal Taluk, Salem District.

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3. The learned counsel for the petitioner submitted that the property in S.No.108/8, measuring an extent of 0.0150.5 sq.mt, at Kamakkapalayam Village, Attur Taluk, Salem District, is classified as Grama Natham in the Revenue Records and the said land was allotted to the petitioner's father under free house-site Patta. Thereafter, the petitioner's father constructed a building in a portion of the land and the petitioner and his father and his mother are in peaceful possession and enjoyment of the said property. During the life-time of the petitioner's parents, they executed a Will in favour of the petitioner's sister/ 4th respondent herein in the year 2010. The 4th respondent was married and her husband was already issued with free house-site Patta in the year 2009 itself, and hence, the fourth respondent is not entitled for the subject property. The learned counsel further submitted that after the demise of the petitioner's father, the petitioner has made an application to authority concerned, seeking transfer of Patta in respect of the subject property in his favour and the same was not considered. While so, the petitioner has given a representation to the second respondent/ Revenue Divisional Officer, however, the second respondent without



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conducting proper enquiry passed order on 31.10.2022. Challenging the same, the petitioner has preferred an appeal before the first respondent, however, the first respondent, without considering the fact that the petitioner is also in peaceful possession of the subject property, dismissed the appeal. Hence, the petitioner is constrained to file the present writ petition.

4. Heard both sides and perused the materials available on record.

5. It is seen from the records that the subject property was originally allotted to the petitioner's father under free house-site Patta scheme and during his lifetime, he was enjoying the property and he executed a settlement deed in favour of his wife. Though the land is classified as Grama Natham and house site was allotted to the petitioner's father and he was also allotted with separate Patta and during the life-time of the petitioner's parents, they executed a Will in favour of the fourth respondent, who is none other than sister of the petitioner. Therefore, the petitioner is not entitled to the relief as sought for in this writ petition.

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6. Under these circumstances, this Court does not find any illegality or infirmity or perversity in the order passed by the first respondent and hence, this writ petition is liable to be dismissed. Accordingly, the writ petition is dismissed in-limine. There shall be no order as to costs.

20.02.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To

- 1.The District Revenue Officer,
Salem District, Salem.
- 2.The Revenue Divisional Officer,
Attur, Salem District.
- 3.The Tahsildar,
Thalaivasal,
Thalaivasal Taluk,
Salem District.

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