



WEB COPY

W.P. No.3614 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.3614 of 2024

K.Devan

... Petitioner

Vs.

1. The District Collector
Kallakurichi
Kallakurichi District - 606 202

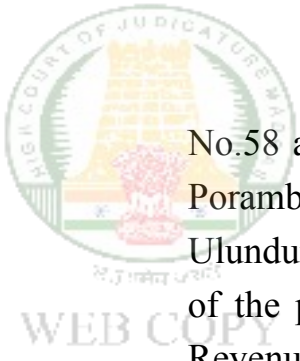
2. The District Revenue Officer
Kallakurichi District

3. The Revenue Divisional Officer
Thirukoilur
Kallakurichi District

4. The Tahsildar
Ulundurpet Taluk Office
Ulundurpet
Kallakurichi District - 606 107

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to change the classification of the said land with an extent of 1.59 Acres comprising Survey



No.58 as “Unsettled Barren” out of total extent 10 Acres of Odai and Paatai Poramboke land in the Revenue Records situated at Parinthal Village, Ulundurpet Taluk, Kallakurichi District-606 305 and issue a patta in the name of the petitioner based on the G.O. No.35 dated 19.01.2023 passed by the Revenue and Disaster Management Department within a stipulated time.

For Petitioner : M/s.T.Nithya

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the respondents to change the classification of the said land with an extent of 1.59 Acres comprising Survey No.58 as “Unsettled Barren” out of total extent 10 Acres of Odai and Paatai Poramboke land in the Revenue Records situated at Parinthal Village, Ulundurpet Taluk, Kallakurichi District-606 305 and issue a patta in the name of the petitioner based on the G.O. No.35 dated 19.01.2023 passed by the Revenue and Disaster Management Department within a stipulated time.



2. The learned counsel for the petitioner submitted that the petitioner's grandfather had been doing cultivation since 1963 in the said land and thereafter, the petitioner's father had been in continuous possession and enjoyment of the land and after his demise, the petitioner and his wife jointly converted a piece of land with an extent of 1.59 Acres as Tharisu land in the said survey number and the petitioner has been doing cultivation till date for their livelihood and he is also paying land tax, Electricity, water charges etc. Since the petitioner's father and grand father had no knowledge to obtain Patta, they did not obtain Patta. The petitioner had earlier approached the 4th respondent for several times for issuance of Patta but the same was not considered. Hence, the petitioner had earlier approached this Court vide W.P. No.31529 of 2022 for issuance of Patta and this Court, by order dated 25.11.2022, directed the Tahsildar to consider the petitioner's representation. However, the same was not considered. Meanwhile, the Government Order in G.O. No.35 dated 19.01.2023 came to be passed by the Revenue and Disaster Management Department and he came to the classification of the said land as



Odai and Pattai. Therefore, the petitioner had sent a letter to all the respondents on 21.11.2023, requesting to change the classification of the said land as “Unsettled Barren” and to issue Patta in the name of the petitioner.

Thereafter, the 1st respondent/District Collector sent a reference letter dated 18.12.2023 to the Revenue Divisional Officer/3rd respondent to take appropriate action. However, no action has been taken. Hence, the present Writ Petition is filed.

3. Heard the learned Additional Government Pleader appearing for the respondents on the factual and legal aspects.

4. A perusal of the ‘A’ Register shows that the said land is clasified as Pattai Odai and near by the land there is a Big Lake. Since nearby the land there is a Big Lake and also Odai, the said land cannot be converted into a private land.



5. However, the respondents shall consider the petitioner's representation dated 21.11.2023 and the reference sent by the 1st respondent/District Collector dated 18.12.2023 only with regard to the portion in which the petitioner has constructed house that too subject to production of relevant documents by the petitioner to prove his possession and enjoyment of the house. Further, the authorities while considering the petitioner's representation shall ensure that the free flow of the Odai is not affected, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

22.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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