



W.P.No.30777 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated :07.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.30777 of 2024

V.Boobalan

... Petitioner

Vs

1. The District Collector,
Collectorate Office, Villupuram.

2. Revenue Divisional Officer,
Collectorate Office,
Villupuram.

3. The Tahsildar,
Vikravandi Taluk,
Villupuram.

4. The Village Administration Officer,
Mundiyambakkam Post,
Vikravandi Taluk,
Villupuram 605 601

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of certiorarified mandamus calling for records of the 2nd respondent in his proceedings



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Na.Ka.No.A3/4594/2019 dated 12.12.2023 and quash the same and thereby direct the respondents to issue grama natham patta in the name of the petitioner for the natham land in Old S.No.187/1, New S.No.315/1 measuring an extent of 202 sq.mts situated in Mundiambakkam Village, Vikravandi Taluk, Villupuram District.

For Petitioner : Mr.D.Vasanth

For Respondents : Mr.M.R.Gokul Krishnan
Additional Government Pleader

ORDER

The petitioner seeks to quash the order passed by the 2nd respondent in his proceedings No. Na.Ka.No.A3/4594/2019 dated 12.12.2023 and to direct the respondents to issue Grama Natham patta in the name of the petitioner for the property bearing Old S.No.187/1, New S.No.315/1 measuring an extent of 202 sq.mts situated in Mundiambakkam Village, Vikravandi Taluk, Villupuram District.



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2. It is the case of the petitioner that the property comprised in Old Survey No.187/1 in Mudiyaambakkam Village, Vikravandi Taluk, Villupuram, was a Grama Natham property which originally belonged to one Arunachala Pillai. Arunachala Pillai sold the said property under a registered Sale Deed dated 27.10.1952 to Srinivasa Udayar (Petitioner's grandfather) and Venkatesa Udayar (petitioner's father). Thereafter, one Seetharama Udayar had filed a suit for partition on the file of the District Munsif, Villupuram in O.S.No.308/1981 in respect of the aforesaid property and other properties. The suit was decreed on 26.07.1983 and Seetharama Udayar, Srinivasa Udayar and Venkatesa Udayar were allotted 1/3rd share each. The defendants therein had filed an appeal in A.S.No.150 of 1983 before the Subordinate Judge, Villupuram, wherein the learned Judge had partly allowed the appeal on 24.04.1985, but dismissed it with reference to the subject property.



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WEB COPY 3. Seetharama Udayar and Srinivasa Udayar thereafter, sold their 2/3rd share in the property in question to the petitioner's father, Venkatesa Udyar. Therefore, the petitioner's father became the absolute owner of the said property. The petitioner and his family had entered into a partition deed dated 11.03.2009 and the property in question was allotted to the petitioner. The petitioner had constructed a house in the said property in the year 2011 which was allotted Door No.2/12C and New Door No.6/665 and he has been paying the property tax in respect of the said property. The petitioner therefore had given a representation to the 3rd respondent enclosing all the documents requesting him to issue a Natham Patta in favour of the petitioner. The 3rd respondent had directed the Surveyor, Vikravandi to conduct an enquiry and submit a report. The 2nd respondent thereafter sent a letter to the 3rd respondent on 14.03.2023 stating that a report was sent recommending to issue a Natham patta to the



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petitioner for an extent of 449 sq.mts . The petitioner would submit that he holds only an extent of 202 sq.mts as per the documents and therefore, the 3rd respondent was directed to rectify his report. Despite, the above, the 2nd respondent had passed the impugned order dated 12.12.2023 stating that, since the land is classified as Sarkar Manai Niluvai, there is no provision to issue patta. It is against this order that the petitioner is before this Court.

4. Heard the learned counsel on both sides.

5. The property in question admittedly has been classified as Grama Natham atleast from the year 1952, as it is evident from the Sale Deed executed by Arunachala Pillai in favour of Srinivasa Udayar and Venkatesa Udayar (Petitioner's father) and in all the revenue documents, the property has been described only as “Grama Natham”. It appears that unilaterally, without notice, the same has



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now been classified as Sarkar Poromboke. It has been time and again

held that Grama Natham properties belong to the persons who are in possession of the property and the Government has no right over the same. Therefore, the Writ Petition is allowed and the impugned order dated 12.12.2023 is set aside. Considering the fact that the property in question has been in possession of the petitioner for over decades, the respondents are directed to issue patta to the petitioner, within a period of 4 weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

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Index: Yes/No

srn

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P.T.ASHA, J.,

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