



W.P.No.81 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.81 of 2024
and
W.M.P.No.83 of 2024

1.A.Anandan
2.A.Thanigachalam
3.A.Ramu
4.A.Ravi
5.A.Ramesh

... Petitioners

versus

1. The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Gingee Taluk,
Villupuram District.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing respondents 1 and 2, particularly the second respondent to issue Patta in favour of the petitioners for the Tamarind Tree Thoppu land (Thoppu Poramboke), situated at Uranithangal

Pg.Nos.1/6



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Village, Gingee Taluk, Villupuram District, comprised in S.No.14/11, to an extent of 0.49 cents after clearing the Revenue Records by considering the petitioners' representation dated 27.07.2023 sent to the respondents.

For Petitioners : Mr.R.Thanjan
For Respondents : Mr.R.Vigneshwaran
Government Advocate

ORDER

Mr.R.Vigneshwaran, learned Government Advocate accepts notice for the respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for issuance of a writ of mandamus, directing respondents 1 and 2 particularly the second respondent to consider the representation of the petitioners dated 30.10.2023, in and by which, they sought to issue Patta in favour of the petitioners in respect of the Tamarind Tree Thoppu land (Thoppu Poramboke), situated at Uranithangal Village, Gingee Taluk, Villupuram District, comprised in S.No.14/11, measuring an extent of 0.49 cents.

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3.The learned counsel for the petitioners submitted that originally, the petitioners' great grandfather purchased some of the properties including the subject property in the year 1936 and since then, he is in continuous possession and enjoyment of the same, by paying necessary statutory dues. After his demise, his legal heirs are in possession and enjoyment of the same. He further submitted that the petitioners' father earlier filed a writ petition in W.P.No.43 of 2015 seeking for issuance of Patta in respect of the subject property and this Court, by order dated 06.01.2015, disposed of the said petition. In compliance of the said order, the second respondent had conducted an enquiry and rejected the request made by the petitioner's father, as the petitioners' family will not come under the category of Small Farmers. However, the petitioners herein have already partitioned their family properties in the year 2009 itself, which clearly proves that the petitioners' family members are having less than Acre 1.34 cents and hence, the petitioners' family will come under the category of Small Farmers. While so, the petitioners have given a representation to the respondents seeking for issuance of Patta in respect of the subject property, but there was no response from the respondents, till date. The reminder sent by the



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petitioners also did not yield any fruitful result. Hence, the petitioners are before this Court.

4. The learned Additional Government Pleader appearing for the respondents submitted that a civil suit is pending between the parties and according to the learned Additional Government Pleader, even in the civil suit as well as in the present writ petition, the petitioners have mentioned the classification of the subject property as 'Thopu Poromboke' and hence, the petitioners are not entitled to get any relief in this writ petition.

5. Since this writ petition is seeking only a Writ of Mandamus directing the respondents to consider the representation of the petitioners, this Court without expressing any view or opinion with regard to the merits of the case, the second respondent is directed to consider the representation of the petitioners dated 30.10.2023 and pass appropriate orders on merits and in accordance with law, after issuing notice to the petitioners as well as rival claimants/interested parties/objectors, if any as the case may be, and



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after conducting enquiry, within a period of two 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.

7. W.M.P.No.83 of 2024 is ordered on payment of separate Court fees by each of the petitioners.

08.01.2024

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

1. The District Collector,
Villupuram District,
Villupuram.

2. The Tahsildar,
Gingee Taluk,
Villupuram District.

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P.VELMURUGAN, J.

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