



W.P.No.33801 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No. 33801 of 2023

and

W.M.P.No.33650 of 2023

M.Shanthi

... Petitioner

versus

1.The District Collector,
Thirupattur District,
Thirupattur.

2.The Tahsildar,
Thirupattur Circle,Thirupattur.

3.The Village Administrative Officer,
Elagiri Hills,Thirupattur Taluk,
Thirupattur.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in Proceedings No. O.Mu.AA2/2284/2021 dated 25.06.2022 and quash the same and consequently direct the respondents to issue patta for the extent of 2 acres in S.No.170/1, Elagirimalai, Thirupattur Taluk, Kursilambattu Village under the Ex-Serviceman quota of petitioner's husband namely Munusamy.

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For Petitioner : Mr.K.Sanjayan
For Respondents : Mr.T.Arunkumar
Additional Government Pleader

ORDER

This writ petition has been filed to quash the impugned order in Proceedings No. O.Mu.AA2/2284/2021 dated 25.06.2022 on the file of the second respondent and consequently, direct the respondents to issue Patta in respect of an extent of 2 acres in S.No.170/1, Elagirimalai, Thirupattur Taluk, Kursilambattu Village, under the Ex-Servicemen quota for the petitioner's husband, namely Munusamy.

2. The learned counsel for the petitioner submitted that the subject land is a "private land". The petitioner's father and her husband have enjoyed the agricultural land of an extent of 10.62 acres in S.No.170/1. In the said land, they are cultivating the crops of an extent of 2 acres out of 10.62 acres. Hence, the petitioner's husband requested the respondents to issue Patta in respect of 2 acres in S.No.170/1 under the "Ex-servicemen quota", as the petitioner's husband was an Ex-serviceman. After demise of

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the petitioner's husband, the petitioner is enjoying the said land. Hence, the petitioner made several representations for issuance of Patta in respect of the subject land under "Ex-servicemen quota".

3. The learned counsel for the petitioner further submitted that the petitioner has obtained information under the Right to Information Act and she has also received a copy of "A" register as well as Village Survey Settlement records from the Public Information Officer, Personal Assistant to the Collector (General), Thirupattur on 17.05.2023, and thereafter, it came to know that in "A" register, the said S.No.170/1 has been classified only as a "Government poramboke", but in the Village Survey settlement records, the said survey number has been classified as "burial ground". There are contradictions between two entries made by the authorities. Further, no burial shed was installed for the past 40 years and no person is buried in the said land. The learned counsel further contended that the second respondent, without taking note of "A" register, passed the impugned order dated 25.06.2022, stating that S.No.170/1 is classified only as "burial ground".



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4. The learned Additional Government Pleader appearing for respondents submitted that even in "A" Register of 1926 and also in all the Revenue Records, S.No.170/1, measuring to an extent of 10.62 acres is classified as "burial ground" and hence, the petitioner is not entitled to get Patta in respect of the land in question.

5. When the case was taken up for hearing on 28.02.2024, the respondents have produced xerox copy of "A" Register, and since the learned counsel for the petitioner objected that there was manipulation in the copies produced by the respondents, this Court directed the second respondent/Tahsildar, Tiruppattur Circle to produce the original "A" Register, Settlement Land Register (SLR), Re-survey Settlement Register (RSLR) and also the Revenue Records prior to and subsequent to the Updating Registry Scheme (UDR) in respect of the land in question and this Court also directed the first respondent/District Collector, Tirupattur to appear before this Court on 05.03.2024.

6. Today (05.03.2024), when the matter is taken up for hearing, the



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first respondent/ District Collector, Tirupattur appeared before this Court and his presence is dispensed with. Further, the second respondent/Tahsildar, Tirupattur Circle produced the original "A" Register and it shows that S.No.170/1, measuring to an extent of 10.62 acres, situated in Elagirimalai, Thirupattur Taluk, Kursilambattu Village, is classified as "burial ground" and it is not a "Government poromboke". Though the said land is classified as "burial ground", the classification of "burial ground" cannot be changed for any other purpose.

7. Therefore, the writ petition is dismissed. However, the petitioner is at liberty work out her remedy in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

05.03.2024

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

- 1.The District Collector,
Thirupattur District,
Thirupattur.
- 2.The Tahsildar,
Thirupattur Circle,
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- 3.The Village Administrative Officer,
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P.VELMURUGAN, J.

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