



W.P(MD)No.1085 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 19.01.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1085 of 2024

Saifullah

... Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collector,
Dindigul, Dindigul District.
- 2.The District Revenue Officer,
O/o.The District Revenue Officer,
Dindigul, Dindigul District.
- 3.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Dindigul, Dindigul District.
- 4.The Special Tahsildar,
Forest Settlement Office,
Collectorate, Dindigul,
Dindigul District.
- 5.The Tahsildar,
Dindigul East Taluk Office,
Dindigul, Dindigul District.
- 6.The Village Administrative Officer,
O/o.The Village Administrative Officer,
Sirumalai Village,



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Dindigul East Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to issue Joint Patta for the property situated in Survey No.580/1 in Sirumalai Village, Dindigul East Taluk, Dindigul District with extent about 58 acres by considering the petitioner's representation dated 13.10.2023 within a time period stipulated by this Court.

For Petitioner : Mr.A.Mohamed Riyaz

For Respondents : Mrs.K.Christy Theboral,
Addl. Government Pleader.

ORDER

This writ petition is filed for issuing a Writ of Mandamus, directing the respondents to issue Joint Patta for the property situated in Survey No.580/1 in Sirumalai Village, Dindigul East Taluk, Dindigul District to extent of 58 acres by considering the petitioner's representation dated 13.10.2023.



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2.The case of the petitioner is that the property in question is an ancestral property and the petitioner was in possession and enjoyment of the same. The land was classified as ryotwari land and patta was granted in S.No.580/1. Challenging the same, the District Forest Officer filed an appeal before the Project Director and the said patta was cancelled. Questioning the same, the petitioner filed revision before the Revenue Board and the Revenue Board confirmed the decision of the Appellate Authority. Against which, the petitioner filed a writ petition before the Principal Seat and this Court disposed of the writ petition by granting liberty to the petitioner to file a civil suit. Thereafter, the petitioner filed O.S.No.1143 of 1981 on the file of the Additional District Munsif Court, Didnigul. The suit was dismissed. Questioning the same, the petitioner filed A.S.No.1 of 1991. The Appeal Suit was allowed and the suit was decreed vide judgment and decree dated 17.11.1993. Challenging the Department filed S.A.No.1401 of 1994. The said Second Appeal was dismissed for default.

3.The learned counsel for the petitioner further submits that the petitioner is entitled to issuance of patta in view of the judgment and



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decree dated 17.11.1993 made in A.S.No.1 of 1991. Hence, he sent a representation to the second respondent for issuance of joint patta. The second respondent vide communication dated 08.08.2019 called upon the third respondent to conduct field inspection and conduct enquiry. Pursuant therefore, the petitioner was called for enquiry on 20.01.2020 and on the said date, he appeared for enquiry and produced all the relevant documents. Since no further action was taken thereafter, the petitioner sent a detailed representation dated 13.10.2023. The respondents even thereafter did not take any action. Hence, the present writ petition came to be filed.

4.The learned Additional Government Pleader for the respondents submitted that S.No.580/1 has been classified as “Kadu”. The petitioner is not possession and enjoyment of the property. “B” memo receipt or assignment patta has not been issued in favour of any person. The Government issued in G.O.(Ms)No.1168, Revenue Department, dated 25.07.1989 stating that hilly lands should not be assigned for any agricultural purposes. As per the said Government Order, the petitioner is not entitled for issuance of patta regarding S.No.580/1, Sirumalai



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Vilalge, Didnigul Taluk. Hence, she prayed this Court to dismiss the writ petition.

5.Considering the facts and circumstances of the case, the fifth respondent is directed to consider the representation of the petitioner dated 13.10.2023 in the light of G.O.(Ms)No.1168, dated 25.07.1989 and pass an order on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The said order shall be communicated to the petitioner. It is open to the respondent to pass order in one way or the other.

6.This writ petition is disposed of accordingly. No costs.

19.01.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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V.BHAVANI SUBBAROYAN, J.

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To:-

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