



W.P(MD)No.1641 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.1641 of 2021

Esakky Pandiyan

: Petitioner

Vs.

1.The District Collector,
Tirunelveli, Tirunelveli District.

2.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the record relating to the impugned Na.ka.E1/1672/2020, dated 07.08.2020 passed by the second respondent herein and quash the same and consequently, direct the respondents herein to rectify the mistake crept in the Adangal registrar (A) Register and issue patta in petitioner's name in respect of petitioner's land in 5.48 ares of land in old survey No.942/2 part and subsequently, resurveyed as new survey No.1069/4 in Sannathi Street, Pappakudi Village, Cheranmahadevi Taluk, Tirunelveli District.



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For Petitioner : Mr.T.Pon Ramkumar
For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

The Writ Petition is directed against the order passed by the second respondent dated 07.08.2020, rejecting the requisition made by the petitioner.

2. The learned counsel for the petitioner would submit that the second respondent by observing that the land in dispute has been shown as Government Poramboke land in the Government records and that since the petitioner has not produced any registered documents, the requisition cannot be looked into. He would further submit that the petitioner along with his application has produced the sale deed of the year 1959 and also the encumbrance certificate and the same were received by the authority by giving proper acknowledgement and despite the receipt of the records, the second respondent has observed as if the petitioner has not produced any documents.



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3. The learned Special Government Pleader for the respondents would submit that the second respondent is not competent authority and the RDO is the competent authority and that the petitioner may be directed to approach the concerned authority.

4. If that be so, this Court is at loss to understand as to why the second respondent has entertained the petition and passed the impugned order, without forwarding the same to the competent authority. Whatever it is, even as per the submission of the learned Special Government Pleader, the second respondent has no power to pass orders and also taking note of the fact that the reason assigned that the petitioner has not produced the document, appears to be incorrect as per the evidence available on record, this Court is inclined to interfere with the impugned order and as such, the impugned order is liable to be set aside.

5. In the result, the Writ Petition is allowed and the impugned order dated 07.08.2020, passed by the second respondent is set aside. The petitioner is at liberty to approach the jurisdictional Revenue Divisional Officer and on the receipt of such application, the concerned Revenue



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Divisional Officer is directed to consider the same and pass orders in accordance with law within a period of 12 weeks from the date of receipt of representation. No costs.

10.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

- 1.The District Collector,
Tirunelveli, Tirunelveli District.
- 3.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.



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K.MURALI SHANKAR, J

DAS

Order made in
W.P(MD)No.1641 of 2021

Dated : 10.04.2024