



W.P.(MD) No.4660 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

**W.P.(MD) No.4660 of 2024
and
W.M.P.(MD) No.4492 of 2024**

V.R.M.Kumarappan

... Petitioner

/vs./

**1.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.**

**2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the 1st respondent in his proceedings Ni.Mu. D3/762479/2023 dated 14.09.2023 and quash the same as illegal and consequently direct the respondent to issue patta in the petitioner favor in Survey



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No.515/6, Kottur Village, Thirumayam, Pudukottai District within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Murali
For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The above writ petition has been filed for the issue of a Writ of Certiorarified Mandamus to quash order passed by the first respondent in his proceedings in Ni.Mu. D3/762479/2023 dated 14.09.2023 and to direct the respondent to issue patta in his favor in S.No.515/6, at Kottur Village, Thirumayam, Pudukottai District.

2. It is the case of the petitioner that the lands in question in Old S.No.128 and New S.No.429, measuring an extent of 2629 sq.ft., at Kottur Circle, Narchandupatti Village, Pudukkottai District, had been purchased by him under a registered sale deed in Doc.No.726/1994 from one Ramanathan Chettiyar, Periyakaruppan and Kumarappan. In the year 2013, he has purchased the land in Old S.No.128, New S.No.429 measuring an extent of 2666 sq.ft., from one Kalyani in the very same village under a registered Doc.No.1388/2013.



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3. The petitioner would submit that since he was settled at Kumbakonam, he continued to be in possession and enjoyment of the property. Thereafter, when he had made an enquiry about his land, he was shocked to learn that the same has been classified as Sarkar Poramboke. Therefore, he made a representation dated 07.02.2023 to the second respondent to rectify the mistake and to delete the wrong entry. No action was taken on this representation constraining the petitioner to file W.P.(MD) No.4414 of 2023. By an order dated 02.03.2023, the said writ petition was disposed of with a direction to the second respondent to pass orders within a period of 12 weeks. Since the order had not been complied with, the petitioner was constrained to file a contempt petition in Cont.P.(MD) No.1567 of 2023. Thereafter, the impugned order has been passed and challenging the same, the petitioner is before this Court.

4. The main ground on which the petitioner seeks to challenge the order is that he has not been put on notice about the proceedings and without affording him an opportunity to put forth his case, the impugned order has been passed, wherein the first respondent had relied upon the circular of the Commissioner of



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Land Administration dated 07.08.2015 stating that no documents prior to 1966 had been produced by the petitioner and that no document had been produced to show the possession of the land. Further, it was held that since the petitioner is residing at Kumbakonam for over 30 years, he was not in possession of the property in question. Challenging the same, the above writ petition has been filed.

5. A perusal of the impugned order would indicate that the petitioner has not been given an opportunity to produce the documents in his support. That apart, the impugned order has been hurriedly passed to overcome the contempt petition which is evident from a perusal of the date of the order. The impugned order has been passed on 14.09.2023 and on 15.09.2023, the compliance has been reported to the Court. The very basis of the rejection that the petitioner has not produced the documents is fallacious, since an opportunity has not been given to the petitioner. The hurried manner, in which the order had been passed, is evident from the fact that the report from the Tahsildar has been received on the date on which the impugned order came to be passed. The entire exercise appears to be a false only with the intent of escaping adverse orders in the contempt petition.



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6. Therefore, the Writ Petition stands allowed. The impugned order of the first respondent in Ni.Mu. D3/762479/2023 dated 14.09.2023 is set aside and the matter is remitted back to the first respondent to consider the request of the petitioner afresh and pass appropriate orders after issuing notice to him and after getting necessary report from the authority concerned. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

23.10.2024

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To

- 1.The District Revenue Officer,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Thirumayam Taluk,
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P.T.ASHA, J.

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