



W.P(MD)No.8038 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.8038 of 2021

and

W.M.P.(MD)No.6134 of 2021

S.Saravanan
Founder
M/s.Meenachi Chettiar & Sons Trust,
4/113, First Floor, West Street,
Sankaralingapuram Post,
Virudhunagar District.

... Petitioner

Vs.

1. The Collector,
Virudhunagar District,
Virudhunagar. Pin : 626 002.
2. The District Revenue Officer,
O/o.Collectorate Complex,
Virudhunagar District,
Virudhunagar. Pin : 626 002.
3. The Revenue Divisional Officer,
O/o.the Revenue Divisional Officer,
Near Court building,
Aruppukkottai-626 101,
Virudhunagar District.



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4. The Revenue Tahsildar,
O/o.The Revenue Tahsildar,
Madurai Road, Virudhunagar District.
Pin : 626 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed in O.Mu.Aa3/1874/2021 in his proceedings by the third respondent dated 26.02.2021 and quash the same as illegal and consequently direct the respondents 3 and 4 to issue patta after having reclassification of the property in the name of the petitioner as Founder of the registered Trust 'Meenachi Chettiar & Sons Trust', comprising in Old Survey No.950 and New Survey No.1643/25, consisting of 9.07 cents situated at Sankaralingapuram Post, Virudhunagar District, within a time frame as may be stipulated by this Court.

For Petitioner : Mr.L.Prabhu

For Respondents : Mr.V.Om Prakash
Government Advocate

ORDER

The Writ Petition is directed against the order dated 26.02.2021 passed by the third respondent rejecting the writ petitioner's claim for issuance of patta.



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2. It is not in dispute that “Meenachi Chettiar and Sons”, Trust property consists of house and vacant land comprised in Old Survey No. 950 (New Survey No.1643/25) of Sangaralingapuram Post, Ondipulinayakanur Village, Virudhunagar District and that the writ petitioner's Trust has sent a representation to the fourth respondent seeking patta but the same was not considered.

3. It is seen from the records that the writ petitioner earlier filed a writ petition in W.P.(MD)No.10281 of 2020 seeking a Writ of Mandamus directing the fourth respondent/Revenue Tahsildar to issue patta in the name of petitioner as Founder of the registered Trust M/s.Meenachi Chettiar and Sons Trust in respect of the said property, on the basis of the petitioner's representation dated 01.08.2020 and that this Court vide order dated 11.09.2020 directed the fourth respondent to consider the petitioner's representation dated 01.08.2020 and pass appropriate orders by taking note of the submission of the learned Additional Government Pleader within a period of eight weeks from the date of receipt of a copy of that order.



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4. It is not in dispute that in pursuance of the said direction, the third respondent has passed an order dated 16.11.2020 holding that the question of issuance of patta to the writ petitioner does not arise, because the land in dispute was classified as Government poramboke. It is seen from the records that thereafter the writ petitioner, without challenging the said order, has filed a petition before the first respondent on 22.02.2021 and when the same was forwarded to the office of the third respondent, the third respondent has passed the impugned order dated 26.02.2021 rejecting the writ petitioner's claim on the ground that the land in dispute was classified as Government poramboke land and was used as a bus stand and drama stage.

5. The learned counsel appearing for the writ petitioner would submit that the third respondent has also observed that the writ petitioner has not produced any parent deeds and that since the writ petitioner has traced out the same, he has produced the parent documents (sale deeds) dated 18.03.1885 and 05.11.1887 and he has also produced the copy of the encumbrance certificates, wherein, there was reference to the property in dispute. Moreover, as rightly pointed out by the learned



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counsel appearing for the writ petitioner, in the order passed by the third respondent dated 16.11.2020, they have referred the Survey No.1643/25 (Old Survey No.950 Pa) as Government poramboke and also as village site (Grama Natham) and that subsequently free house sites came to be issued in the said land.

6. As rightly contended by the learned counsel appearing for the writ petitioner, in the said order dated 16.11.2020, the third respondent has also referred that though the writ petitioner has produced sale deed vide document No.2293/1937 executed in favour of Gurusamy Chettiar, they have not produced any document to show that the property was owned by the Vendors Mallaiya Chettiar and Ramasamy Chettiar.

7. When a specific question was raised to the learned Government Advocate with regard to the land classified as Grama Natham or as Government poramboke as stated in Para No.3 of the order dated 16.11.2020, he is not in a position to answer the same.

8. Considering the facts and circumstances and also the way in which the impugned order was passed and also the fact that the



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documents are now produced by the writ petitioner before this Court, this Court is of the view that the writ petitioner should be given one more opportunity to place the records before the third respondent. Hence, the third respondent is directed to conduct fresh enquiry and pass orders, taking note of the documents submitted by the writ petitioner, on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

10.07.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
csm

To

1. The Collector,
Virudhunagar District,
Virudhunagar. Pin : 626 002.
2. The District Revenue Officer,
O/o.Collectorate Complex,
Virudhunagar District,
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K.MURALI SHANKAR, J

csm

Order made in
W.P.(MD)No.8038 of 2021
and
W.M.P.(MD)No.6134 of 2021

Dated : 10.07.2024