



W.P.(MD)No.12339 of 2021

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.12339 of 2021

and

W.M.P.(MD)No.9688 of 2021

Rajammal

... Petitioner

Vs.

1. The District Collector,
O/o.District Collectorate,
Virudhunagar District.
2. The District Revenue Officer,
District Revenue Office,
District Collector Office Campus,
Virudhunagar.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai,
Virudhunagar.
4. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar 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



W.P(MD)No.12339 of 2021

call for the records pertaining to the impugned order in Ni.Mu.A2/35516/2019 dated 11.02.2020 on the file of the second respondent and quash the same as illegal and consequently for a direction to the respondents 2 to 4 to provide patta to the petitioner on the basis of recommendation report of the third respondent in Na.Ka.A1/2732/201 dated 27.07.2013 in respect of S.No.362 extent about 29.15 acres situated at Endapuli Village, Virudhunagar Taluk, Virudhunagar District within the time stipulated by this Court.

For Petitioner : Mr.Mahaboob Fazil
for M/s.Lajapathi Roy & Associates

For Respondents : Mr.A.K.Manikkam
Special Government Pleader

ORDER

The Writ Petition is directed against the order passed by the second respondent dated 11.02.2020 rejecting the claim of the writ petitioner and thereby confirming the earlier proceedings in Ni.Mu.A2/33543/2013 and Ni.Mu.A2/21070/2019.

2. It is not in dispute that the writ petitioner has earlier filed a writ petition in W.P.(MD)No.23748 of 2019 against the same respondents herein challenging the order passed by the second respondent dated 27.08.2019 and for direction to the respondents 2 to 4 to grant patta to



W.P(MD)No.12339 of 2021

the writ petitioner on the basis of the order passed by the third respondent dated 27.07.2013 in respect of Survey No.362 extent of 29.15 acres situated at Endapuli Village, Virudhunagar Taluk, Virudhunagar District and a learned Judge of this Court has passed an order dated 20.11.2019 setting aside the order passed by the second respondent dated 27.08.2019 and remitted the matter back to the second respondent directing him to consider the two points set out in paragraph No.4 of the previous proceedings dated 11.11.2019 and furnishing the proceedings dated 12.07.2017 referred in paragraph No.9 of the earlier impugned order and further directed him to issue notice to all the parties concerned and to pass final orders within a period of 12 weeks from the date of receipt of a copy of that order.

3. The learned counsel appearing for the writ petitioner would submit that in pursuance of the said direction, the impugned order dated 11.02.2020 came to be passed, but the second respondent has nowhere referred or considered the order passed by the third respondent and simply reiterated his earlier order and that though this Court has set aside the order passed by the second respondent, he has passed the impugned order, as if, he has been confirming his earlier order.



W.P(MD)No.12339 of 2021

WEB COPY

4. The learned Special Government Pleader appearing for the respondents would submit that the second respondent, taking note of the fact that the writ petitioner has not furnished any evidence or material before the second respondent on the remitted enquiry and considering the documents produced earlier and also the fact that the writ petitioner has purchased the property in the year 1998 without taking note of the entries made in the revenue records during Updating Registry (UDR) scheme, has rightly rejected the claim of the writ petitioner and that therefore, there is nothing to interfere with the impugned order.

5. As rightly contended by the learned counsel appearing for the writ petitioner, though this Court has specifically directed the second respondent to take note of the order passed by the third respondent, there is absolutely no reference to the said order and he has not given any reason for rejecting the report of the third respondent. Though the learned Special Government Pleader appearing for the respondents has referred that the second respondent has relied on all the documents, but there was no answer to the documents of the years 1939 and 1941. Admittedly, the said documents were produced before the second respondent by the writ petitioner.



W.P.(MD)No.12339 of 2021

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6. Considering the above, this Court has no hesitation to hold that the second respondent, without considering the order of this Court in proper perspective, has mechanically passed the impugned order confirming his earlier order and as such, the same is liable to be set aside. Accordingly, the impugned order dated 11.02.2020 is set aside and the matter is remitted back to the second respondent. The second respondent is directed to take note of all the documents produced by the writ petitioner and also the report submitted by the third respondent and also take note of the entire revenue records and also the order passed by this Court in W.P.(MD)No.23748 of 2019 after giving opportunity to the writ petitioner, pass orders in accordance with law within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

15.04.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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W.P(MD)No.12339 of 2021

K.MURALI SHANKAR, J

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To

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District Revenue Office,
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Virudhunagar.
3. The Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai,
Virudhunagar.
4. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.12339 of 2021
and
W.M.P.(MD)No.9688 of 2021

Dated : 15.04.2024