



W.P(MD)No.13636 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13636 of 2021

K.Ramaraj

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Pudukkottai District.

2.The Tahsildar,
Taluk Office,
Keeranur,
Kulathur Taluk,
Pudukkottai 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 records pertaining to the impugned order passed by the 2nd respondent in Na.Ka.No.2943/2019/Aa1 dated 14.07.2021 and quash the same and consequently directing the respondents issue fresh patta to petitioner's land in 292/10, 292/11 situated at Kummupatti, Near Vathanakurichi, Valamangalam, Kulathur Taluk, Pudukkottai District which was given under the 20 Amsa



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Thittam by the 1st respondent herein as per the Government records based on the petitioner's representation dated 11.05.2021 within a stipulated time fixed by this Court.

For Petitioner : Mr.A.Purantharadhas

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner submitted representation dated 11.05.2021 for issuance of patta. Since it was not considered, the petitioner filed W.P.(MD)No.10583 of 2021. The writ petition was disposed in the following terms:-

“This Writ Petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the representation made by the petitioner on 11.05.2021, wherein, the petitioner has sought for the issuance of a fresh patta, with respect to the subject property.



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2. When the matter was taken up for admission, the learned Government Advocate appearing on behalf of the respondents submitted that the second respondent has considered the request made by the petitioner and after going through the records, has passed an order rejecting the claim made by the petitioner. The learned Government Advocate further submitted that the order passed by the second respondent will be served on the petitioner within a period of one week from today.

3. In view of the above development, no further orders can be passed in the present Writ Petition and if the petitioner is aggrieved by the rejection order of the second respondent, it is left open to the petitioner to work out his remedy in the manner known to law.

4. This Writ Petition is disposed of accordingly. No costs.”

However, memorandum negating the petitioner's request was passed only on 14.07.2021. Challenging the same, the present writ petition came to be filed.

3. When the matter was taken up for hearing, the learned Additional Government Pleader submitted that the petition mentioned lands have been classified as sarkar poramboke natham in the village account and that as on date Jeishankar and Gunasekaran are in occupation of the same. It is further stated that till date, even to the said occupants patta has not been issued or granted.



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4.The learned counsel for the petitioner states that his whole case has been completely misunderstood. According to the petitioner, he was possession of natham land and that patta was issued in his favour and he is only seeking restoration of the same.

5.Even though such a claim has been made by the petitioner, the petitioner has not produced any record to substantiate the same. In these circumstances, the petitioner has only one course of action open to him. He can very well file a civil suit for securing possession. In the said civil suit, the petitioner can make the District Collector as party. He can also take out interrogatory or any other application to establish that his name was originally reflected in the revenue record as pattadar.

6.Granted liberty to the petitioner to establish his claim before the jurisdictional Civil Court, this writ petition is disposed of. No costs.

16.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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