



W.P.(MD) No.19704 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD)No.19704 of 2024

J.Arvind David

.. Petitioner

Vs.

1.The Commissionerate,
Chepauk, Chennai-600 005.

2.The District Collector,
Collectorate, Tirunelveli.

3.The District Revenue Officer,
District Revenue Office,
Tirunelveli.

4.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 4th respondent herein to consider the petitioner's representation, dated 29.10.2020 and reminder representations, dated 18.01.2024, 20.03.2024 and 03.05.2024 to take action and pass appropriate orders to correct / modify the classification of the land in town survey extract stood as Thoppu



W.P.(MD) No.19704 of 2024

Poromboke into patta punja land with respect to T.S.No. 2051/2 in Block-11, Ward-AF in Tirunelveli Town, Tirunelveli Taluk and District within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The writ petition has been filed seeking a Mandamus to consider the petitioner's representation, dated 29.10.2020 along with the follow up representations, dated 18.01.2024, 20.03.2024 and 03.05.2024 and pass orders to correct / modify the classification of the land in the town survey extract from Thoppu Poromboke into patta punja land in respect of the lands comprised in T.S.No. 2051/2 to an extent of 1 acre 18 cents.

2. The property in question belonged to one Velayutha Nadar and Shanmugavel Nadar family who had been in joint possession and enjoyment of the same. Thereafter, pursuant to a partition deed, dated 22.06.1989, the property in question was allotted to the share of Shanmugavel Nadar who died intestate on 25.02.1993 leaving behind his



W.P.(MD) No.19704 of 2024

legal heirs. The mother of Shanmugavel Nadar, namely Gomathi Ammal had challenged this classification of the subject matter during the settlement proceedings as Thoppu Poromboke and had made an application on 27.01.2009 before the 3rd respondent to issue patta in her favour by rectifying the mistakes. Pursuant to this, a detailed enquiry was conducted by the 3rd respondent and after perusing the records, by his proceedings, dated 13.11.2009, an order was passed to rectify the classification as patta punja land from Thoppu Poromboke.

3. The first respondent *suo motu* took up the order in review and after an elaborate enquiry, held that the lands in T.S.No.2051/2 was Government assessed waste wet and taking into consideration the settlement proceedings under Act 30 of 1963, recorded that there were no valid grounds to interfere with the order passed by the 3rd respondent. Challenging the same, the petitioner is before this Court.

4. Heard the learned counsels on either side.



W.P.(MD) No.19704 of 2024

WEB COPY

5. The 1st respondent after an elaborate enquiry has held that the lands in T.S.No.2051/12 were Government assessed waste wet and stated that there was no grounds to interfere with the order passed by the 3rd respondent. As a follow up, patta issued to the private persons were cancelled by an order of the 2nd respondent, dated 24.07.2014 and classification continued to be as Theru Poramboke.

6. Meanwhile, the 2nd respondent in his proceedings, dated 27.10.2017, directed the 4th respondent to carry out the changes in the village and taluk records and issue certificate with respect to the subject matter. Thereafter, the authorities have recognized the fact that the property is not a Thoppu Poramboke, but a patta land. However, modification has not taken place. The records would indicate that on 27.10.2017, the 2nd respondent had ordered mutation. However, the same has not taken place to date.

7. In view of the above discussion, the respondents are directed to



W.P.(MD) No.19704 of 2024

mutate the revenue records by **27.09.2024**. With the above direction, this

Writ Petition stands **allowed**. No costs.

8. Post this case for reporting compliance on 30.09.2024.

19.08.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

gbg

To

- 1.The Commissionerate,
Chepauk, Chennai-600 005.
- 2.The District Collector,
Collectorate, Tirunelveli.
- 3.The District Revenue Officer,
District Revenue Office,
Tirunelveli.
- 4.The Tahsildar,
Tirunelveli Taluk,
Tirunelveli.



WEB COPY



W.P.(MD) No.19704 of 2024

P.T.ASHA, J.

gbg

W.P.(MD) No.19704 of 2024

19.08.2024