



W.P(MD)No.4575 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.4575 of 2017

K.Ramasubbu

... Petitioner

Vs

1.The District Collector,
O/o District Collector,
Sivagangai District.

2.The District Revenue Officer,
O/o District Revenue officer,
Sivagangai,
Sivagangai District.

3.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Sivagangai,
Sivagangai District.

4.The Tahsildar,
Office Tahsildar,
Illayankudi Taluk,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the fourth respondent to change the patta in the name of he petitioner



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based on the sale deed vide Document No.2547/1903, dated 24.11.1903 as directed by the third respondent in his Circular No.Oo.Moo.A3/340/2016, dated 03.03.2016 within the time frame fixed by this Court.

For Petitioner : Mr.R.Senthil Kumar
For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader

ORDER

The petitioner claims that he is having 6 acres of land in Vijayakudi Village, Illayankudi Taluk, Sivagangai District. This land, according to the petitioner was purchased by his grand father in the year 1903 through a registered document No.2547 of 1903, dated 24.01.1903. After the demise of his grand father, the petitioner's father has cultivated the land and after his demise, the petitioner has inherited the property and he is cultivating the land. The petitioner found that patta for the subject land was not transferred in the name of the petitioner and therefore, he has approached the revenue officials for grant of patta. The third respondent by his memo, dated 03.03.2016 directed the Tahsildar, Sivagangai District to issue patta to this petitioner based on the



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Document No.2547/1903 and the same has not been considered.

Therefore, the petitioner has filed this writ petition seeking direction to the fourth respondent Tahsildar to issue patta for the subject land in favour of him.

2.The learned Additional Government Pleader appearing for the respondents submits that the petitioner is seeking patta for the land in S.Nos.79 and 81 at Vijayakudi Village, Illayankudi Taluk, Sivagangai District, which is classified as Vaikkal in the revenue records and therefore, the petitioner is not entitled for patta for the subject lands.

3.In reply, the learned counsel for the petitioner by disputing the same has produced SLR copy and submits that the subject land is classified as 'Tharisu' and not as 'Vaikkal' as claimed by the respondents.

4.This Court considered the rival submissions made and also perused the materials placed on record.



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5.The petitioner seeks patta for 6 acres of land in Vijayakudi Village, Illayankudi Taluk, Sivagangai District, based on the registered document of year 1903. The petitioner claims that this land is classified as Tharisu and the petitioner's ancestors are in possession and enjoyment of the land for more than 100 years. On the other hand, the respondents claims that the land is classified as 'water body'. The subject property is to an extent of 6 acres.

6.In view of the above, the respondents shall conduct an enquiry based on the document produced by this petitioner and pass an order within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this writ petition is disposed of. No costs.

21.02.2024

NCC: Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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