



W.P.(MD) No.16035 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.16035 of 2016
and
W.M.P(MD)No.11720 of 2016

R.K.Kannan

.. Petitioner

Vs.

The District Revenue Officer,
cum District Additional Magistrate,
Trichy

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling fro the records pertaining to the impugned proceedings issued by the respondent in Na.Ka.No.AA6/2320/2014 dated 15.02.2016 and quash the same and consequently direct the respondent to make necessary entry as “Private Property” in respect of petitioner's property comprised in Old Town Survey No.2270 New Town Survey No.53 situated at Tiruchirapalli Town, Block No.4, Ward No.N.



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For Petitioner : Mr.M.Siddharthan,
for M/s.Megan Law Firm
For Respondent : Mr.B.Saravanan
Additional Government Pleader

ORDER

This writ petition is filed challenging the impugned proceedings issued by the respondent in Na.Ka.No.AA6/2320/2014 dated 15.02.2016 and to quash the same and consequently direct the respondent to make necessary entry as “Private Property” in respect of petitioner's property comprised in Old Town Survey No.2270 New Town Survey No.53 situated at Tiruchirapalli Town, Block No.4, Ward No.N.

2.The brief facts of the case are as follow:

The property comprised in S.No.2270 in Town Survey No.53 situated at Tiruchirapalli East Taluk, Tiruchirapalli, belonged to one Parankusan Naidu, who had executed a sale in respect of the aforesaid property in favour of Syed Ayuruddeen Sayubu, on the basis of an earlier family partition dated 26.08.1897. At that point of time, there was in the property, lot of standing trees, water tank and lot of open space plots. The



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legal representatives of Syed Ayuruddeen Sayubu viz., Fathimunnisa, Babu and Subani had sold the property to the petitioner through a power deed dated 20.03.2013. The petitioner would further submit that patta, after enquiry had been transferred in the name of the petitioner's predecessor in title viz., the father of his vendor. While so, the respondents without notice have overwritten the entry of the property as Government Poramboke Kulam, though as early as in the year 1948 the property had been classified as Natham private land. Therefore, the Tahsildar had directed the concerned Revenue Officials to conduct a detailed enquiry and enquiry was conducted and report was also sent to the Tahsildar stating that the said property is classified as Natham Private land. Even after such report being submitted by the Tahsildar, which was confirmed by the Revenue Divisional Officer, the District Revenue Officer, without accepting the recommendations of subordinates, had passed the impugned order in a mechanical and casual manner. Therefore, the petitioner has come forward with the above writ petition.



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3.A counter affidavit has been filed by the respondent in which, he would submit that the land measuring an extent of 19904 sq.ft., comprised in old S.F.No.2270 of Tiruchirappalli Town was registered as Private Tank, which took place in the year 1896-97. Thereafter, resettlement of the village took place and it was taken by the Government in the year 1930. Once again, the classification of the land remained as Kulam. While so, by order of the Collector in D.Dis.10078/1948 dated 31.12.1948, changes were effected in SLR of Trichy Town, whereby, the property comprised in S.No.2270 was reclassified as Natham private and the change had not been effected during the resettlement. Now, taking advantage of this, the petitioner and his predecessor have made encumbrance over the land. Later, the survey field was renumbered as T.S.No.53 and on the basis of the transaction that have been taken place in T.S.No.53 subdivided as 53/1(Kulam area) measuring 1662 sq.mt., and T.S.No.53 Private Natham measuring an extent of 187 sq.mt. The respondent would further submit that the tank was in existence even as on 01.06.1991 and the changes will come in later. The respondent would further submit that he is not able to accept the recommendation of his



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subordinate and the land in question was treated only as a Kulam right from the year 1985. That apart, some portions of the land has already been encroached by the respondent.

4.Heard the learned counsel on either side.

5.Admittedly, from the year 1948, the property has been in the possession of the petitioner and his predecessor in title and had been classified as Natham Private till it has been reclassified by the respondent. The Tahsildar and the RDO have submitted a detailed report on inspecting the premises, and taking into consideration the nature of the property on the site. The respondent has not personally inspected the property taking note of this classification on site. Before reclassification notice has also been issued to the persons concerned, viz., the persons in occupation of the property in question. Therefore, there is no explanation as to why the reclassification has taken place in the year 2016, when from the year 1946, the property has been described as Natham Private and in the possession of the petitioner and his predecessor in title.



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6. In the result, the impugned proceedings dated 15.02.2016 issued by the respondent is set aside and the respondent is directed to make necessary entry as private property in respect of the petitioner's property, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

19.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

To

The District Revenue Officer,
cum District Additional Magistrate,
Trichy



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P.T.ASHA, J.

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