



W.P.(MD) No.24164 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.24164 of 2016
and
W.M.P.(MD)No.17444 of 2016

R.Thilagavathi

... Petitioner

Vs.

1. The District Revenue Officer,
Tuticorin District,
Tuticorin.

2. The Revenue Divisional Officer,
Sub-Collector,
Kovilpatti – 628 501.

3. The Tahsildar,
Ettayapuram,
Tuticorin District.

4. K.Ramasamay Reddiar

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings in



W.P.(MD) No.24164 of 2016

Na.Ka.No.D2/28458/2015 dated 23.03.2016 passed by the first respondent and quash the same as illegal and consequently to direct the first respondent to cancel the chitta No.232 and to issue fresh chitta and patta in favour of the petitioner within the time stipulated by this Court in respect of the land in Old Survey No.64/5 and New Survey No.104/3 in Veerapatti Village, Ettayapuram Taluk, Thoothukudi District.

For Petitioner : Mr.P.M.Vishnu Varthanan
For R-1 to R-3 : Mr.D.S.Nedunchezian
Government Advocate
For R-4 : Mr.S.Premkumar

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned proceedings dated 23.03.2016 passed by the first respondent and quash the same as illegal and consequently, to direct the first respondent to cancel the Chitta No.232 and to issue fresh chitta and patta in favour of the petitioner in respect of the land in Old Survey No.64/5 and New Survey No.104/3 in Veerapatti Village, Ettayapuram Taluk, Thoothukudi District.



W.P.(MD) No.24164 of 2016

WEB COPY

2. The case of the petitioner is that she is the absolute owner of the petition mentioned property. The property was originally purchased by her husband vide registered sale deed dated 06.04.1963 and subsequently, by registered settlement deed dated 12.12.2013. The petitioner has settled the same in her favour and she has been in continuous possession and enjoyment of the same for over 50 years. The petitioner further submitted that her husband purchased the property out of his own funds in the year 1963 and in the year 2013, he came to know that during the Land Revenue Scheme (Natham Nilavari Thittam), chitta in respect of property in Old Survey No.64/5 and New Survey No.104/3 was wrongly issued in the name of the fourth respondent. She had immediately filed a petition before the respondents No.2 and 3 as early as on 19.03.2013 to delete the name of the fourth respondent. Despite receiving the said representation, no steps were taken. However, in the meanwhile, the petitioner's husband died on 25.01.2014. She has submitted a fresh petition on 29.05.2014 in which orders were also not passed. The third respondent after a field enquiry had recommended that



W.P.(MD) No.24164 of 2016

the patta has to be granted in the name of the petitioner, vide proceedings dated 16.09.2014.

3. Thereafter, the petitioner had filed a writ petition in W.P.No. 3845 of 2015, seeking a disposal of the petition and the same was granted. After the orders of this Court dated 19.03.2015, the petitioner had preferred a fresh petition on 24.04.2015 before the first respondent. However, no orders were passed. Thereafter, the first respondent had called the petitioner and the fourth respondent for an enquiry and the petitioner had submitted all the documents to prove her title. The fourth respondent except the filing of written objections, has not produced any single document to substantiate the same. However, by impugned order dated 23.03.2016, the first respondent had rejected the petition filed by the petitioner stating that the second respondent had not submitted the enquiry report and the petitioner had not produced any document to prove her title. Therefore, the petitioner is before this Court seeking to quash the impugned order.



W.P.(MD) No.24164 of 2016

WEB COPY

4. A mere perusal of the impugned order would clearly demonstrate the non-application of mind on the part of the first respondent which has led to the non-speaking order. The third respondent as early as on 16.09.2014 had forwarded his proceedings in Na.Ka.No.A2/RTR/458/2013, recommending the second respondent to issue patta. This proceeding has been issued after the field inspection and enquiry being conducted by the third respondent. Therefore, the first ground on which the rejection has been made is totally baseless. The petitioner had produced all her documents on title which is evident on mere perusal of the impugned order. Despite which the first respondent had proceeded that no documents has been produced. The impugned order being a non-speaking order cannot be sustained.

5. Considering the above, the impugned order is set aside and accordingly, this Writ Petition is allowed with a direction to the first respondent to consider the representation afresh, the documents on title and the records and reports of the second respondent etc., and pass orders, within a period of two months from the date of receipt of a copy



W.P.(MD) No.24164 of 2016

of this order. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes
jbr

26.09.2024



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W.P.(MD) No.24164 of 2016

P.T.ASHA, J.

jbr

To

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