



WP(MD)No.23940 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.23940 of 2024

K.Varatharaja Perumal

...Petitioner

Vs

- 1.The State of Tamil Nadu,
represented by its Principal Secretary /
Commissioner of Land Reforms,
Tamil Nadu Boomidhana Board,
Commissionerate of Land Reforms,
Ezhilagam, Chepauk,
Chennai.
- 2.The District Collector,
Virudhunagar District,
Virudhunagar.
- 3.The District Revenue Officer,
Office of the District Revenue Officer,
Virudhunagar District.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sathur,
Virudhunagar District.
- 5.The Tahsildar,
Office of the Tahsildar,
Vembakottai Taluk,
Virudhunagar District.

...Respondents



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PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the respondent Nos.2 to 5 to cancel the patta (patta No.1405) granted in favour of the respondent No.1 and consequently direct the respondent Nos.2 to 4 to re-issue the patta in the name of the petitioner in S.No.97/2 to an extent of 90.00 acres situated at Kanjampatti Village, Vembakottai Taluk, Virudhunagar District by considering his representation dated 16.09.2024 within the time fixed by this Court.

For Petitioner : Mr.T.Thirumurugan

For Respondents : Mr.P.Thambidurai,

Government Advocate

ORDER

The petitioner, a differently abled person claims that the property in S.No.97/2 at Kanjampatti village, Vembakottai Taluk, Virudhunagar District is his ancestral property, devolved upon his father Krishnasami Naicker, S/o. Perumalsami and patta was also issued in patta No.93 in his father's name. After the demise of his father, patta was transferred in the petitioner's name in Patta No.948 by the Zonal Deputy Tahsildar, Sivakasi vide proceedings No.A3/3237/2011, dated 10.08.2011. While so without any reasons and without issuing any notice to the petitioner, the revenue



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officials while updating the revenue records in the digital records has wrongly made entries that the property in S.No.97/2 belongs to Boomidhana Board / 1st respondent. On coming to know this, the petitioner through his advocate one Santhanam has submitted a representation on 11.12.2020, which was also addressed by the Revenue Divisional Officer, Sathur vide his proceedings in Pa.Ve.A3/19/2020 in Na.Ka.Nos.4569/2020 and 4575/2020 dated 11.12.2020 by directing the Tahsildar to conduct an enquiry and to issue patta to this petitioner. However, the Tahsildar has not acted upon. Therefore, the petitioner has filed this writ petition.

2.The learned Counsel for the petitioner by referring to the patta issued in favour of the petitioner's father one Krishnasami in patta No.93 submits that the revenue officials after considering all the documents and his possession of the property has issued patta in his favour in patta No.948 for S.No.97/2. While so without issuing any notice to the petitioner and without cancelling the patta granted in his favour, wrong entries have been made in the digital records, as if the subject land belongs to the Boomidhana Board by the revenue officials.



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3.The learned Government Advocate appearing for the respondents submits that the land in S.No.97/2 belongs to Boomidhana Board and in the application filed in Form-8 by the Boomidhana Board, the Tashildar, Vembakottai by his proceedings dated 03.08.1995 has passed an order to transfer the patta for the land in S.No.97/2 and other connected lands, which belong to Boomidhana Board. The learned Government Advocate also submits that all the records are now with the 1st respondent and therefore seeks a short accommodation to produce the revenue records to establish that the subject land belongs to Boomidhana Board.

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

5.The petitioner has filed this writ petition in the strength of the patta which was already issued in favour of his father Krishnasmi, S/o.Perumalsami in patta No.93 and the patta transferred in his name in patta No.948 by the Zonal Deputy Tahsildar, Sivakasi vide his proceedings dated 10.08.2011. The learned Government Advocate appearing for the respondents by referring to Form- 8 filed by the Boomidhana Board submits that the lands mentioned therein including the subject land in S.No.97/2 of



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Kanjampatti Village belong to Boomidhana Board and based on the Form – 8, pattas were transferred in the name of Boomidhana Board.

If the subject land belongs to Boomidhana Board, it is not known as to how the revenue officials have issued patta in favour of the petitioner's father Krishnasami and also how it was transferred in the name of the petitioner.

6.In view of the above, this Court directs the 1st respondent to conduct an enquiry with regard to the manner in which patta was granted to the petitioner's father Krishnasami, how it was transferred in the name of the petitioner, and how it has been subsequently transferred in the name of the Boomidhan Board without issuing notice to the petitioner and without cancelling the patta standing in the name of the petitioner and take action if necessary against the erring officials, if patta has been wrongly granted to the petitioner. This exercise shall be completed within a period of four months from the date of receipt of a copy of this order. No costs.

14.10.2024

Internet : Yes / No

Index : Yes / No

DSK

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B.PUGALENDHI.J.,

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