



W.P(MD)No.23954 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23954 of 2024 and
WMP(MD) No.20288 of 2024

Annathurai

... Petitioner

Vs

1.The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.

2.The District Revenue Officer,
Collectorate Campus,
Thoothukudi,
Thoothukudi District.

3.The Revenue Divisional Officer,
Thiruchendur,
Thoothukudi District.

4.The Tahsildar,
Taluk Office,
Eral,
Thoothukudi District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the fourth respondent in Na.Ka. Aa1/2679/2021, dated 19.07.2024 and quash the same and consequently direct the second respondent to dispose of the petitioner's representation dated 19.06.2024, seeking to issue patta in the petitioner's name for his property bearing Survey No.870/26, an extent of 3-3/4 cents situated at his Village of Thangaiyapuram, Themangulam, Eral Taluk, Thoothukudi District.

For Petitioner : Mr.R. Murugappan,
For Respondents : Mr.D.S.Nedunchezian
Government Advocate

ORDER

The petitioner, who is said to have purchased a property in S.No.870/26 to an extent of 3³/₄ cents, Thangaiyapuram, Themangulam, Eral Taluk, Thoothukudi, by way of a registered Document No.836 of 1982, dated 01.10.1982, has approached the fourth respondent/the Tahsildar, Eral, Thoothukudi, seeking patta for the above mentioned property. The request of this petitioner, seeking patta was rejected by an order impugned in this writ petition that the



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subject property in S.No.870/26, to an extent of 0.01.18 ares is a Government Poramboke land, as per the revenue records. Challenging the same, the petitioner has filed this writ petition.

2.The learned counsel appearing for the petitioner by relying upon the report of the Village Administrative Officer, dated 10.03.2000 submits that the Village Administrative Officer has admitted that this petitioner has put up a house in the subject property in Natham S.No.4 to an extent of 3 ³/₄ cents and he is residing there for more than 40 years. According to the learned counsel for the petitioner, the classification of the subject property as Government Poramboke is a mistake, which was crept in the revenue records during UDR Survey and therefore, the Tahsildar is not the competent authority to take a decision on this issue and the District Revenue Officer concerned has to pass necessary orders. Therefore, on account of jurisdiction, the order impugned in this writ petition is liable to be set aside.



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3.Mr.D.S.Nedunchezian, learned Government

Advocate, who takes notice for the respondents submits that challenging the order passed by the fourth respondent/Tahsildar, this petitioner has already filed an appeal before the District Revenue Officer on 30.09.2024 and the same is pending.

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

5.The request of this petitioner for grant of patta for the land in S.No.870/26 to an extent of 3 ³/₄ cents, Thangaiyapuram, Themangulam, Eral Taluk, Thoothukudi was denied by the fourth respondent/Tahsildar, by referring the revenue records that the subject land has been classified as "Government Poramboke" during Natham settlement. However, the petitioner claims that this is a mistake, which has been committed during the UDR survey. The Tahsildar has also recorded that the petitioner has not substantiated



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his case with any document prior to 1963 that he was in possession of the subject property and he has not established his right/title over the property.

6.It appears that the petitioner is claiming right over the property based on a registered document in Document No.836/1982, by which, the petitioner is said to have purchased the subject property from one Poomani Ammal. The petitioner has not substantiated the right of the said Poomani Ammal for executing the document in Doc No.836/1982 in favour of this petitioner in the year 1982. It is reported that the petitioner has filed an appeal before the District Revenue officer on 30.09.2024.

7. In view of the above, this Court finds no error in the order passed by the Tahsildar, Eral, Thoothukudi. In the event, if any appeal is filed by the petitioner before the District Revenue Officer, the same shall be entertained, considered and suitable order shall also be passed by the District Revenue Officer, within a period



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of six months from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

14.10.2024

NCC : Yes/No
Index : Yes
Internet : Yes
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To

1. The Commissioner of Land Administration,
Chepauk,
Chennai - 600 005.
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3. The Revenue Divisional Officer,
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Taluk Office,



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Thoothukudi District.



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B.PUGALENDHI, J.

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